



# INVESTIGATION INTO DEATHS AT LOUISVILLE METRO CORRECTIONS DEPARTMENT

This investigative report provides a detailed analysis of the deaths at the Louisville Metro Corrections Jail including the nature and circumstance of deaths and serious injuries sustained at the Jail; the circumstances, policies and procedures in place at the time of the deaths or serious injuries; and any shortcomings in training, policy, systems, facilities, staffing and/or supervision surrounding the deaths or serious injuries sustained at the Jail.

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Investigation  
initiated by the  
Louisville Metro  
Council.

**Jerry Collins, Director, Louisville Metro Corrections Department, and his staff** provided unfettered access to all LMDC facilities, records, and employees for interviews. Director Collins dedicated Sgt. Tim Dearing as the point of contact for obtaining information including all policies, reports or other needed documentation. Sgt. Dearing was incredibly responsive and exhibited a “can do” attitude anytime he was asked for information. He also served as tour guide during the many visits to LMDC facilities. This full cooperation greatly facilitated a thorough and objective investigation and assessment of LMDC.

## **ACKNOWLEDGEMENTS**

The following persons listed alphabetically provided invaluable assistance to this project and deserve recognition:

**Russ Childers, Forensic Accountant, Federal Bureau of Investigation, (retired).** During his 26-year career with the FBI, Mr. Childers' duties included conducting thorough forensic financial analysis of business and personal records and developed financial profiles of individuals or groups identified as participating in suspicious or illegal activity. He also compiled findings and conclusions into financial investigative reports among other duties to assist with FBI investigations. Mr. Childers performed an analysis of LMDC budgets, inmate populations, and other statistical information included in this report.

**Daron Hall, Sheriff Nashville-Davidson County, and his staff** who spent a significant amount of time providing information about their jail operations and new Behavioral Care Center.

**Dennis Hippert, Associate Director of the Southern Police Institute at the University of Louisville.** AD Hippert is currently in charge of implementing and overseeing advanced education and training to law enforcement officers (including corrections officers) from across the country as well as managing the institute's consultation projects. He retired from the Washoe County Sheriff's Office, Reno, NV, after 22 years of service, culminating as the commander of the Washoe County Regional Detention Facility, a 1400-bed facility servicing over 40 law enforcement agencies. He provided great insight into the benefits of having a modern direct supervision jail based on his experience leading the jail operations in Washoe County, a facility built in response to a U.S. Department of Justice mandate to correct a woefully inadequate jail facility decades earlier.

**Deidra H. Sanders, RN, MSN, APRN, FNP-BC, SANE.** Mrs. Sanders has over 45 years of clinical nursing experience, 27 of which have been in an Advanced Practice role. She has worked with Dr. William Smock in the Institute of Clinical Forensic Medicine and Nursing since 2008, consulting on forensic cases often at the request of LMPD. She has conducted numerous forensic assessments of cases involving trauma, interpersonal violence, and suspicious injury. She has experience in legal nurse consulting and has testified in legal proceedings. Mrs. Sanders reviewed all the records provided by LMDC pertaining to the deaths that have occurred at LMDC over the past 12 months and provided an analysis of each case.

**Sally Sturgeon, Forensic Nurse Practitioner,** is certified as an Advanced Forensic Nurse (AFN-BC) by the American Nurses Credentialing Center (ANCC) and Adult/Adolescent Sexual Assault Nurse Examiner (SANE-A) by the International Association of Forensic Nurses. As a forensic nurse, she conducts medicolegal examinations on victims and suspects of crime, documents and interprets injuries, collects evidence, and testifies in court proceedings for physical assault, sexual assault, strangulation, sharp force trauma, gunshot wounds, blunt force trauma, DV/IPV, and elder abuse cases. Her education includes a Bachelor Degree in the Science in Nursing, a Master's degree in Nursing Education, and a Doctorate of Nursing Practice. Her doctoral work included the development of Sturgeon's SAVEcD Tool. (Strangulation Assessment for Victims with Evidence Collection and Documentation Tool.) Ms. Sturgeon reviewed all the records provided by LMDC pertaining to the deaths that have occurred at LMDC in the past 12 months and provided an analysis of each case.

**Jeff Tindall, Oldham County Jailer,** who provided an in-depth tour of their new jail facility and allowed me to speak with staff throughout the facility. He also provided insight into the benefits of a direct supervision corrections facility as well as policies and procedures that have reduced inmate deaths.

## PREFACE

During this investigation, over 60 people were formally interviewed and many others informally as part of numerous visits to LMDC facilities. Almost everyone interviewed was tremendously forthcoming, candid, and provided information they may not want attributed to them. In writing this report, persons in executive or management roles are identified by their true names as were persons outside of LMDC who provided information. Persons who specifically requested anonymity have been identified by a number prefaced with the letter “W” for witness. Names of persons whose safety might be compromised have been redacted. In addition, other names have been redacted or identified by their position out of privacy concerns with the exception of names associated with public records such as court filings or media accounts.

Throughout this investigation and visits to the LMDC facilities, many LMDC employees were encountered who displayed professionalism and a passion for their jobs. All employees interviewed seemed eager to share their viewpoints of working at LMDC and voiced hopes that the investigation would result in positive changes that would benefit both employees and inmates. Some stated they started at LMDC as a steppingstone to become a police officer but decided to make LMDC their career. Still others shared that they had thought about pursuing a career in social work or the ministry, but they decided to stay at LMDC because working at LMDC is much like being a social worker or a minister.

This investigation, like most of this nature, tends to focus on identifying problems or negative aspects of an organization. Nevertheless, there were many dedicated and hardworking LMDC employees encountered during this investigation; many who have worked at LMDC for 15-20 years and chose to stay at LMDC because they felt they were making a difference. Those dedicated hardworking professionals should be recognized for their service to this community and for working in a difficult environment to help make this community safe. They should also not be disheartened by the conduct of, hopefully, only a minority of their colleagues but embrace the recommendations herein with an outlook that they will ultimately improve the quality of their work life.

As noted throughout this report, Director Collins and his executive staff have made great strides in addressing many significant issues in a short period of time as head of the Louisville Metro Corrections Department. Director Collins and his staff along with the hundreds of other LMDC employees who have assisted with these improvements are to be commended for this progress.

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## **I. INITIATION OF INVESTIGATION**

On February 17, 2022, the Louisville Metro Council through the Government Oversight and Audit Committee (GOAC) adopted Resolution 023, Series 2022, initiating an investigation into the deaths at Louisville Metro Corrections Department's facility ("Louisville Metro Jail").

This resolution was approved by Mayor Greg Fischer and Metro Council President David James on March 3, 2020.<sup>1</sup> The resolution provided that the scope of the investigation would include:

- Investigating the nature and circumstance of deaths and serious injuries sustained at the Louisville Metro Jail, investigating the circumstances, policies and procedures in place at the time of the deaths or serious injuries.
- Identifying any shortcomings in training, policy, systems, facilities, staffing and/or supervision surrounding the deaths or serious injuries sustained at the Louisville Metro Jail.
- Inquiring of the administration and FOP Corrections Union representatives regarding their perspectives and observations of events as well as solution-based observations to promote inmate safety.
- Utilizing an investigator to prepare and present a detailed investigative summary and timeline, with recommendations for possible action by Metro Council.
- Identifying requirements and/or obligations relative to inmate detention and release placed upon Louisville Metro Corrections Department (LDMC) by officials outside Jefferson County, or otherwise outside the control of LMDC.
- Utilizing subpoena power, where necessary and lawful, to compel the production of witnesses and documents.

## **II. MAYOR'S SEPARATE INVESTIGATION AND REPORT**

On February 14, 2022, Louisville Mayor Greg Fischer announced that he had hired GAR, Inc., which is headed by Gary Raney, a retired Boise, Idaho, sheriff. On August 12, 2022, Raney

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<sup>1</sup> See Exhibit 1.

issued his report (GAR Report) consisting of 20 pages. In addition, the Mayor’s Public Services Cabinet issued a report dated September 2022, entitled “Louisville Metro Dept. of Corrections – Past, Present, Future – Reviews and Recommendations.”

### **III. LEGAL ANALYSIS OF METRO CORRECTIONS**

#### **A. LEGAL STATUS**

The Louisville Metro Department of Corrections (LMDC) is a “metropolitan correctional services department”<sup>2</sup> and “a de jure department and division of” Louisville Metro Government’s Executive Branch, Cabinet for Public Protection, established pursuant to KRS 67B.030 and Lou. Metro Ord. No. 11-2003, § 30.20(F)(2).

#### **B. LEADERSHIP, ORGANIZATION, AND STAFFING**

The LMDC is managed by a director and assistant directors, which are appointed and employed by the Mayor.<sup>3</sup> The Director “shall be well-educated, trained, and experienced in the administration of correctional and rehabilitative public facilities, and who, together with assistant directors, to be also appointed and employed by the Mayor, shall have full and complete management of the Department and all of its operations. The Director of the Department, together with all assistant directors shall be directly appointed by and shall serve at the pleasure of the Mayor and may be removed and replaced upon order of the Mayor.” *Id.* The current Director of LMDC is Lt. Col. Jerry Collins, who replaced former Director Dwayne Clark in March of 2022.<sup>4</sup>

#### **C. POWERS AND DUTIES**

LMDC is required to exercise all of the duties, responsibilities and liabilities of a Sheriff and Jailer with reference to the operation and maintenance of the jail and all correctional

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<sup>2</sup> KRS § 67B.010

<sup>3</sup> Lou. Metro Ord. No. 11-2003 § 30.20(F)(4).

<sup>4</sup> *Mayor Fischer appoints Jerry Collins as new Director of Louisville Metro Corrections.*  
<https://louisvilleky.gov/news/mayor-fischer-appoints-jerry-collins-new-director-louisville-metro-corrections>

facilities in Metro Louisville.<sup>5</sup> LMDC is required, subject to the approval and authorization of the Mayor, to generally administer, operate, and maintain all correctional facilities, and formulate and implement necessary correctional, rehabilitative, and training programs.

The following powers are explicitly granted to the LMDC, subject to the approval and authorization of the Mayor:

1. Prepare an annual budget with reference to the operations of the Department for submission to the Metro Government.
2. Authorize all expenditures of the Department in conformity with the annual budget, as approved by the Metro Government, all such expenditures to be submitted for the Mayor's approval as in the cases of all other Metro Government agencies and departments.
3. Prepare and submit, not less than annually, a report of all the activities, programs, and expenditures of the Department to the Mayor.
4. Employ and dismiss employees, to include metropolitan correctional officers, subject to approval of the Mayor as may be necessary for the proper management and operation of the Department and of the correctional facilities, which are governed by the Department.
5. Promulgate comprehensive rules, regulations, and bylaws for the regulation, administration, maintenance, and operation of the Department, which rules, regulations, and bylaws shall be subject to approval by the Mayor.
6. Comply with all statutory requirements contained in the Kentucky Revised Statutes, with reference to the operation, maintenance, and upkeep for all correctional facilities.
7. Provide for the humane care, treatment, and feeding of all inmates of all correctional facilities.
8. Enter into contracts with private entities or governmental agencies regarding matters of correctional and rehabilitative importance, including the operation, maintenance, and upkeep of correctional or detention facilities.
9. Apply for, and accept, grants in aid from any public or private agency.

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<sup>5</sup> Jefferson County has not had a jailer since 2003 when Louisville and Jefferson County merged governments. At that time, all corrections-related duties, responsibilities and liabilities previously shouldered by the sheriff and jailer were transferred to, and vested in, LMDC. See KRS 67B.030(2); KRS 71.110 and Lou. Metro Ord. No. 11-2003 § 30.20(F)(3).

## **D. INSPECTIONS AND REPORTS**

LMDC is subject to annual inspections by the Sheriff, and shall make a written report to the Mayor regarding the operations of the facilities.<sup>6</sup> The written report shall include detailed information regarding the number of prisoners and detainees, the offense or causes for their incarceration and the length of stay with reference to same.

## **E. STATISTICS**

In 2021, LMDC reported that it had 16,713 bookings. The most common charges at booking were: #1 Failure to Appear, #2 Probation Violation, #3 Drugs, and #4 Assault.

LMDC reported a Rated Detention Capacity of 1,793. However, with the closure of CCC, the available bed count was reduced to 1,353.

In a statistic attributed to corrections officials, it was reported on September 17, 2021, that Louisville Metro Department of Corrections was currently operating at 300 inmates overcapacity.

Findings from the Data Collaborative for Justice (DCJ), released in January 2022, examined data trends at LMDC from 2010 to 2019, and reported the following findings:<sup>7</sup>

1. Driven by fewer arrests for misdemeanors and violations, admissions to the LMDC declined by 35% between 2010 to 2019 – from a high of 43,724 admissions to 28,255 admissions.

2. Between 2010 and 2019, the average length of stay increased from 18.9 days to 30.4 days – a 60% increase that had a significant impact on the size of the jail population. The people who were most likely to stay in jail for more than 30 days were those who were booked on new charges, those awaiting transfer to state prison, and people charged with crimes against persons.

3. Bail continues to be a key driver of the jail population. Length of stay decreased for those with bail set below \$5000; however, those with the higher bails saw a substantial increase in length of stay from 56 to 92 days and accounted for 86% of people with bail set who spent 180+ days in jail.

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<sup>6</sup> KRS 67B.070, and Lou. Metro Ord. No. 11-2003 § 30.20(F) (7).

<sup>7</sup> <https://datacollaborativeforjustice.org/work/jail/understanding-trends-in-the-jail-population-in-louisville-metro-kentucky-2010-to-2019/>

4. In 2019, Black people accounted for 39% of jail admissions but just over 20% of the population of Jefferson County. The average length of stay for Black people increased 15 days over the study period, compared to a 10 day increase for white people.

Of people jailed in 2010, 69.8% returned to jail at least once between 2010 and 2019 and over a quarter (27.7%) returned five or more times.

## **IV. EXECUTIVE SUMMARY**

### **A. OVERVIEW**

This investigation was initiated in April 2022 at the request of the Legislative Council of the Louisville/Jefferson County Metro Government (Metro Council) after a significant increase of in-custody deaths at the Louisville Metro Corrections Department (LMDC) facility.<sup>8</sup> At the time Metro Council initially authorized this investigation, six deaths had occurred at LMDC between November 2021 and February 2022. An additional seven deaths have occurred since then for a total of 13 deaths in the past 15 months.

The Metro Council also expressed concerns about the then leadership at LMDC and concerns that the “leadership within LMDC as well as that of the Mayor have failed to adequately address worker concerns over safety not only of those persons incarcerated...but the many dedicated corrections officers who are working to serve this community”<sup>9</sup>

Leading up to Metro Council initiating this investigation, there were numerous media accounts about issues at the jail to include concerns voiced by LMDC corrections officers.<sup>10</sup> Additionally, the Louisville Corrections Fraternal Order of Police Lodge No. 77 (FOP) cast a “no confidence” vote against the then Director Dwayne Clark and his administration.<sup>11</sup> The Metro

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<sup>8</sup> Metro Council Resolution No. 023, Series 2022, dated February 17, 2022, authorized the investigation; Resolution No. 045, Series 2022, approved April 14, 2022, authorized the hiring of an investigator.

<sup>9</sup> Metro Council Resolution No. 023, Series 2022.

<sup>10</sup> <https://www.wlky.com/article/theyre-not-safe-louisville-corrections-fop-warns-of-deteriorating-conditions-inside-jail/37683881>

<sup>11</sup> <https://www.whas11.com/article/news/local/louisville-corrections-fop-dwayne-clark-confidence-vote/417-62ca6931-f10b-4990-b05f-3deaa93b0a9e>

Council itself had expressed concerns about the conditions at the jail dating back to June of 2018.<sup>12</sup>

To discern the causes or contributing factors leading to the increased numbers of deaths at LMDC and to assess other issues related to safety, security, training, sexual harassment, and morale, a complete top-to-bottom review of LMDC was conducted during this investigation. It included, but was not limited to, the following:

- Interviews of the prior and current Directors and their Executive Staff;
- Five comprehensive visits to the jail facilities to assess the design and conditions; review security measures and protocol; conduct informal interviews with staff, command staff, medical staff on all floors; and to conduct interviews of both male and female inmates;
- Extensive review of records and video pertaining to 9 of the 13 in-custody deaths and assessment of potential contributing factors including the jail facility itself;
- Four visits to the Training Academy to assess the training facility; interview training personnel, review curriculum, training methods, course material, and recordkeeping; observation of instruction to a recruit training class as well as an in-service training class;
- A thorough review of the medical services—both physical health as well as mental health—provided at LMDC and interviews of Wellpath medical staff;
- In-depth interviews of over 60 people;
- Review staffing issues including morale, recruiting, hiring and retention of personnel;
- Review of budgetary matters including overtime;
- Assess LMDC culture with emphasis on sexual harassment;
- Visit other jail facilities and/or interview other jail administrators concerning jail design and best practices.

## **B. FINDINGS**

Based on this extensive review and assessment, it became obvious that there are many factors involved that may have contributed to the increased number of deaths and will continue

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<sup>12</sup> See, June 19, 2018, Louisville Metro Government Action Summary, ID-180899 “A Discussion of Jail Conditions at Metro Corrections.”

to be factors which may result in additional deaths if not addressed; and, thus, expose Metro Government to potential liability or potential oversight by the federal government.

The primary issues at LMDC that played a role in the increased number of deaths—both overdoses and suicides—and at the core of other significant issues facing LMDC are the following:

- ❖ Prior leadership shortcomings
- ❖ Woefully inadequate antiquated facility
- ❖ Inadequate staffing
- ❖ Failure to adhere to basic security protocol
- ❖ Medical care program needs remediation to include better coordination and communication between medical staff and corrections officers

The following secondary issues contribute to or exacerbate the many issues at the LMDC:

- Lack of readily available alternatives to jail incarceration for person suffering from mental health issues;
- Lack of accountability for persons who violate policies; tolerance for chronic violators;
- Pressures to hire numbers rather than quality candidates; and emphasis for training staff to pass recruits through the academy;
- Insufficient recruiting staff and lack of metrics to validate recruiting methods;
- Antiquated or nonexistence comprehensive unified records system, tracking systems, software programs and staff to provide executive staff with real time reports to facilitate data driven decisions;
- Failure to update policies and procedures on a routine timely basis;
- Lack of long-term planning, research, and use of evidence-based solutions;
- Contract provisions that hamper or preclude management from making decisions that are best for the effective and efficient management of the jail which has as its primary mission the safety and security of persons housed at LMDC.

All the above have resulted in an inordinate number of deaths, overdoses, and contraband getting into the LMDC facility. These issues have also contributed to low morale, recruiting and retention issues as well as a culture that has condoned or tolerated sexual harassment (considered friendly banter by some).

The prior leadership failed to provide strong leadership to inspire and reassure employees, especially during the COVID pandemic and the riots occurring outside the front door of corrections.<sup>13</sup> Suggestions by command staff and other subordinates seemed to be dismissed or would languish in the office of executive staff. During COVID, the executive management team became reclusive leaving a void in leadership when it was most needed. COVID became the sole focus to the exclusion of everything else to include security.

The current Director, Jerry Collins, has taken significant steps to address many of the issues uncovered by this investigation. Interviews with staff throughout LMDC indicate that he has made great strides in improving morale and attempting to stem the flow of contraband into the jail.

During several interviews and many encounters with Director Collins, he displayed an infectious passion for improving conditions at LMDC and bolstering morale. He has bridged the chasm between the FOP and management that existed under the prior administration. He meets every Wednesday with the FOP president during which suggestions and ideas from the FOP are shared and discussed.

His passion for his employees and the improvement of conditions at LMDC coupled with his prior experience at LMDC made him not only the logical candidate to replace the prior director, but the person who appears to be right person to begin “righting the ship.” His efforts to address issues at LMDC will be discussed at length in this report as will the many issues discovered during this assessment along with recommendations to address many of the issues.

Good leadership alone will not resolve the many issues facing LMDC. One of the most glaring issues is the LMDC jail itself. It is extremely outdated and antiquated. It prevents direct sight of and supervision of inmates. Likely, many of the deaths over the past year could have been prevented if LMDC had a modern jail facility.

Over the years, facility issues impacting security have been overlooked and insufficient funding has been allocated to help address deficiencies. Moreover, a comprehensive review of the jail facility and staffing conducted in 2016 strongly recommended a new jail facility be built. That report and its recommendations have largely been ignored. Continued failure to ignore the

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<sup>13</sup> KRS 525.010 (5) defines riot as: “a public disturbance involving an assemblage of five (5) or more persons which by tumultuous and violent conduct creates grave danger of damage or injury to property or persons or substantially obstructs law enforcement or other government function.”

need for a new facility exposes Metro Government to significant liability and potential federal government intervention.

## V. DEATHS OCCURRING AT LMDC

One of the primary reasons this investigation was initiated was the increasing number of deaths that have occurred at LMDC beginning in November 2021. At the time Metro Council initially authorized this investigation, six deaths had occurred at LMDC between November 2021 and February 2022. An additional seven deaths have occurred since February 2022 to the date of this report for a total of 13 in the past 15 months.<sup>14</sup>

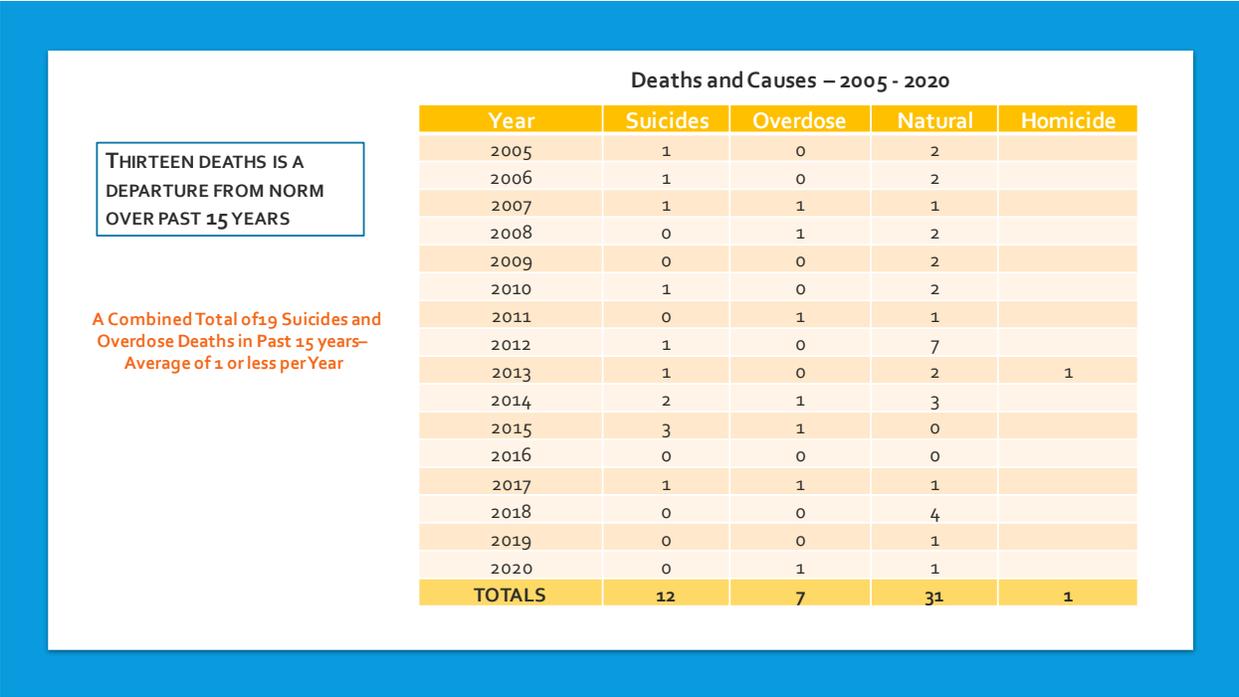
The number of deaths since 2021 is in stark contrast to the average number of deaths at LMDC over the 15 years preceding 2021 as shown in the below chart.

Name	DOD	Suicide	Overdose	Natural	Homicide
Hall, Kenneth	11/29/2021			x	
Smith, Rickitta L.	12/3/2021		x		
Dunbar, Stephanie	12/4/2021	x			
Wetherill, Gary	1/1/2022	x			
Smith, Keith	1/9/2022			x	
Starnes, Lesley	2/6/2022	x			
Anderson, Moman	3/12/2022		x		
Williams, Barry	3/28/2022		x		
Sheckles, Norman	7/8/2022		x		
Bradshaw, Thomas	8/26/2022	x			
Stephens, Buddy	7/8/2022	x			
Ghazawi, Bashar	8/26/2022		x	x	
Puckett, Ishamel	1/9/2023				
<b>TOTALS</b>		<b>5</b>	<b>5</b>	<b>3</b>	<b>0</b>

What the above chart does not show is the number of overdoses that did not result in deaths. These death statistics could be much worse but for the readily available Narcan reversal drugs that Director Collins has provided throughout the jail. LMDC does not track the number of overdoses but does track the use of Narcan which show an alarming number of uses.<sup>15</sup>

<sup>14</sup> An in-depth analysis of each of these cases is presented in the Medical Review section of this report.

<sup>15</sup> See Exhibit 6.



As shown by the above chart, the average number of suicides per year in the preceding 15 years was around 1 or less with no suicides reported in 7 years. Similarly, the average number of overdoses in the preceding 15 years was less than 1 per year with none reported in a total of 9 years.

Thus, the number of deaths since November 2021 is a departure from the norm. Much of this report analyzes the potential contributing factors for these increases. One theme voiced by prior leadership was that “it’s happening everywhere.” Not only is this a defeatist leadership attitude, but it’s also not supported by the experiences of other jails. Moreover, LMDC and Metro Louisville should strive not to be like everyone else but to be an example of how strong leadership working together can produce a paradigm of excellence that others want to emulate.

Another reason put forth for the increase is it was because of the COVID pandemic. Again, other jail facilities were faced with the same issue, but their leadership guided them through that challenge without an increase in deaths.

Examples of jails where suicides and overdoses are not the norm even during COVID include the nearby Oldham County Detention Center where there has been only one overdose death in the past 26 years and no suicides. Although the Oldham County jail population is much less than LMDC, it does illustrate that it is possible to substantially reduce or prevent overdoses

with proper leadership and protocols in place that are followed. Another nearby example is the Lexington, Kentucky, jail which houses an average of between 1100 to 1400 inmates (comparable to number housed by LMDC). They have experienced no overdose deaths since 2018 and only 2 suicides. A third example is the Washoe County, Nevada, jail where they have had only 3 narcotic related deaths since 2000 and an average of 1 or less suicides per year. The Washoe County jail houses an average of between 1100 to 1400 inmates (again, comparable to number housed by LMDC).<sup>16</sup>

One very important factor that Oldham County, Lexington, and Washoe County have in common is they all have modern direct supervision facilities.

Interviews with a large number of LMDC employees reflected a common belief that the prior leadership was “extremely scared of COVID” and fixated on COVID to the exclusion of all other important jail functions to include security. Officers were told not to go into cells and dorms, to stay away from inmates and not conduct in-person observations. Almost a let the inmates do what they want mentality.

During COVID, LMDC graduated classes of recruits who were thrust into this model of corrections which was diametrically the opposite of what is the norm in corrections. Many believe this hands-off philosophy was inculcated in many during the COVID pandemic and has not rebounded back to the prior norm which may partially account for the spike in deaths.

Director Collins advised that he is committed to getting back to “Corrections 101” and ensuring the officers are following the security protocols required to maintain a safe and secure facility. Director Collins recognized this as a top priority. Continued emphasis on basic corrections security protocols is critical as is holding people accountable if they fail to follow those protocols.

Twice during jail visits, the corrections officers providing escort discovered jail dorm cell doors not fully engaged in the locking mechanism – on one instance the dorm housed close to 40 inmates; on the day Major Gilbert was interviewed, he stated that he found a cell door not properly locked on his early morning visit to the floors that day. These examples underscore the need to reinforce basic security protocols.

Analysis of the records produced related to the deaths suggests that better attention to these basic security protocols, especially going into cells and dorms as required and ensuring that

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<sup>16</sup> See also Exhibit 7.

the inmates are well, may have helped prevent some of these incidents. Moreover, a modern direct supervision facility would have also facilitated preventing deaths or discovering an inmate in need of lifesaving action sooner.

In summary, there has been a significant increase in deaths. Attention to detail and adhering to required security protocol may have prevented some of the deaths; and a direct supervision facility would have likely helped prevent these deaths as well.

## **VI. FACTORS CONTRIBUTING TO DEATHS**

### **A. LEADERSHIP**

Proper leadership is critical to any organization be it a business, sports team, or governmental agency. The best and most successful organizations are headed by leaders who are not only competent in their area of expertise but who can inspire their players or employees to excel and persevere through difficult challenges. One only need look to successful sports coaches who have turned losing programs into winning programs.<sup>17</sup> In many instances, these coaches accomplished this using the same players as the prior coach.

The same is true in business. Many businesses that were in or on the verge of bankruptcy have become extremely successful due to new and innovative leadership. Examples such as Lee Iacocca who took over at Chrysler Automotive which was facing bankruptcy in 1979 and turned it into a very successful thriving business; Starbucks CEO Howard Schultz who in one year raised the value of a falling stock by 143% from its lows; and Campbell's Soup CEO Doug Conat who took a company he called toxic into a company that earned him the Gallup organization's "Great Workplace Award." His leadership model included walking 10,000 steps a day to engage with employees including disgruntled employees and executives.<sup>18</sup>

Similarly, military history is replete with examples of great leaders inspiring their troops to persevere in the face of great danger and peril; even in times when outnumbered or

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<sup>17</sup> <https://fansided.com/2015/02/27/college-football-10-head-coach-changes-turned-programs-around/>  
See also <https://hbr.org/2000/11/the-tough-work-of-turning-around-a-team>

<sup>18</sup> <https://www.benzinga.com/general/entertainment/22/03/26026096/5-turnaround-ceos-who-saved-major-corporations>

surrounded.<sup>19</sup> In 1942, General George Patton effectively rehabilitated demoralized troops and drove deep into Nazi Germany to help end the war.

Based on interviews with prior and current LMDC Directors and their Executive Staffs, current and former LMDC employees, FOP leadership, review of media accounts and “no confidence” votes, there was a void in leadership at LMDC at a time when strong leadership was tremendously needed. Many persons interviewed stated that Director Clark made a “great number two person” which is the position he held when he initially retired from LMDC in 2018, but that he seemed different when he came back as Director.

In his defense, Director Clark’s wife of many years passed away in close time proximity to him taking the Director position. Moreover, Director Clark and his Executive Staff faced a once in a lifetime or one hundred years pandemic event that many were uncertain how to manage. On top of the pandemic, Louisville faced tremendous civil unrest that became riotous at night outside the front door of LMDC.

Nevertheless, it is during these difficult and uncertain times that communities and organizations need great leaders to guide them successfully through the difficult times and to inspire and reassure that together they will make it through the difficult times. Unfortunately, this did not happen at LMDC. Employees stated that the Director and his staff seemed to keep to themselves, especially during COVID. They stayed away from the jail floors throughout COVID. Night shift commanders stated that the former executive staff was never present in the evenings when the protests outside evolved into riots. Many felt abandoned.

LMDC was suffering from staffing issues that were exacerbated by COVID restrictions. Staff were not kept informed about what discussions the Director was having with the Mayor’s office to get them help. Mayor Greg Fischer and Deputy Mayor Ellen Heslen stated that most of the communications about needs at LMDC were handled by the Public Safety Chief. Former Public Safety Chief Amy Hess said that she was not made aware of any significant problems at LMDC until matters reached the crisis stage. There seemed to be a void of information provided to the employees. Executive Management spent most of their days engaged in meetings with little communication to the employees.

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<sup>19</sup> <https://www.seymourjohnson.af.mil/News/Commentaries/Display/Article/308517/us-military-has-long-history-of-perseverance/> see also <https://www.thegentlemansjournal.com/article/5-incredible-military-leaders/>

There were calls from the FOP and others including members of Metro Council for the Mayor to replace the LMDC leadership team. Ultimately, Director Clark submitted his resignation.

When interviewed, Mayor Fischer said that it was unfair to hold Director Clark solely responsible for the issues at LMDC and further stated that many of the issues such as staffing and contraband getting into jail were happening all over the country.<sup>20</sup> Yet, the head of any organization is ultimately responsible for its success or failure as aptly noted by President Harry S. Truman.<sup>21</sup> There are endless examples of leaders being removed and replaced due to perceived or actual poor performance or results. It appears Metro Council's concerns that LMDC leadership had "failed to adequately address worker concerns over safety" were well founded and a change of leadership was needed.

After Director Clark resigned, Mayor Fischer was faced with finding a new director to take over. He said he was aware that Jerry Collins had worked at LMDC and had input from others that Collins would be a "good fit" to be brought back as the director. The FOP seemed to agree that he would be a good fit. Mayor Fischer concluded that a national search didn't make sense when they knew Collins and his abilities and indicated he would be willing to take the position if offered to him.

Director Collins took over LMDC in April 2022. In the short time Director Collins has led LMDC, he and his executive staff have implemented many changes and addressed many of the urgent problems at LMDC.<sup>22</sup>

One innovative and progressive concept employed by Director Collins was the hiring of a doctoral-degreed psychologist, Mariya Leyderman, as part of his executive staff. Dr. Leyderman was hired to oversee both employee and inmate wellbeing. She has work experience in both state and federal prisons. When interviewed, she espoused many innovative ideas to help LMDC management look at new ways of operating the jail and helping its employees along with emphasizing evidence and data-based decisions.

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<sup>20</sup> As far as the statement that "it's happening everywhere," this investigation found many examples where this is not the norm; moreover, the goal should be to set an example for others to follow rather than an attitude of hopelessness and inevitability.

<sup>21</sup> <https://www.trumanlibrary.gov/education/trivia/buck-stops-here-sign>

<sup>22</sup> A list of Capital Projects planned, in progress or completed is attached as Exhibit 2.

A recent example of this innovative thinking was when she seized on information provided during the interim report on this investigation—a discussion on an exceptional new way to address healthcare issues and decriminalize mental health behavior—and arranged and coordinated a trip to Nashville for a group of LMDC and Metro Government officials from the Legislative and Executive branches to tour the Nashville jail’s Behavioral Care Center.

Director Collins’ creation of an “Executive Chief Psychologist” position as part of his leadership team is not only an innovative and progressive step but it helps with the paradigm shift, he is trying to create at LMDC by looking at unique new ways of “doing business.”

Director Collins has also implemented a management philosophy that he wants input from employees at all levels in the organization. He believes the people who are doing the jobs daily at LMDC are in the best position to provide viable suggestions to help make LMDC better. He has adopted the slogan: “Best idea wins,” meaning that an idea offered by anyone in any position or rank within LMDC that is the best idea or solution to a problem will be considered even if that person isn’t in a leadership position.

The Michigan State University Institute for the Study of Youth Sports conducted a research project into the factors that enabled coaches to turn a losing team into a winner. This study found that new coaches who were brought in to turn a program around which had not had a winning season on average of 7.2 years were able to turn a program around in 1.73 seasons.<sup>23</sup>

The study concluded that the following factors (in order) were pivotal to turning a program around:

1. Establish new leadership
2. Assemble a staff of positive role models
3. Gather information about the program
4. Create the vision
5. Make a plan and communicate it
6. Create buy-in from players and other key people
7. Change behavior – This is the impetus of the turnaround
8. Create and celebrate early wins
9. Don’t let up – Keep setting new goals and reaching higher

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<sup>23</sup> <https://www.mhsaa.com/topics/coaches/turnaround-coaches-study-their-steps>

10. Complacency is the enemy: Make sure change sticks!

During interviews with Director Collins, he espoused or exhibited these ten factors:

1. He was selected as the new leader by former Mayor Fischer.
2. He brought in his new leadership team.
3. He was familiar with LMDC and has solicited input from all employees.
4. He has created a vision.
5. He and his staff have made a plan and communicated it to the employees.
6. He appears to have buy-in including from the FOP.
7. He has recognized the need to return to basics and is emphasizing a change in behavior.
8. He holds daily meetings with the executive team to assess progress and look at new goals.
9. Re-emphasizes importance of “Corrections 101.”

There is a plethora of books, videos, and other resources on leadership. In addition, there are innumerable historic examples of strong and successful military or government leaders. LMDC leadership working in a somewhat quasi-military environment can draw on leadership principles that have successfully guided military leaders over the years to achieve success in the face of adversity and overcome great challenges whether it might be being outnumbered by a strong enemy, unexpected adverse weather, personnel, food, or other shortages.

An excellent summary of leadership principles is set forth below. Interviews of LMDC personnel and personal observation reveal that Director Collins adheres to many of these principles.<sup>24</sup> Leadership principles exemplified by great military leaders include:<sup>25</sup>

**(1) Leadership by Example is Action Focused.** Leadership by Example is not an email. Leadership by Example involves getting up, going to, seeing, doing, talking, and improving. Leadership by Example sets a positive standard of behavior and sets an example for others to follow how to improve the organization.

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<sup>24</sup> In contrast, many employees lamented that Director Clark, and his staff did not follow these leadership principles; it was not deemed necessary to chronicle those differences as the interview summaries provide the context for this conclusion.

<sup>25</sup> Quoted material from <https://www.military.com/veteran-jobs/career-advice/leadership-by-example-in-workplace.html>

OBSERVATION: *Director Collins was observed on many occasions throughout the jail interfacing with employees, walking around looking, observing, and soliciting input from staff; interviews with employees indicated that his executive staff also actively engages with employees.*

**(2) Leadership by Example Reinforces the Purpose of the Organization.** The purpose of the business organization is to solve an underlying customer need in a way that customers value and in a manner that is superior to the competition. Apple produces, displays, and designs superior consumer electronic items focused on a rich and connected multimedia experience. Apple knows that quality, customer service, design, and rich content are their marketplace keys to success. As you Lead by Example, ensure that your actions reinforce, support, and develop the reasons that customers use your company's products and services.

OBSERVATION: *Director Collins appears to lead by example. On many visits to the jail, he was there early and worked late; he and his executive staff wear uniforms just as corrections officers of all ranks have been asked to do.*

**(3) Workplace Arrival and Departure.** The time that you arrive and depart sets the example for everyone else. How do you consistently treat employees that have sick kids, doctor's appointments, or have to leave for a school event? These daily interruptions seem like small items, but employers that are flexible, understanding, and have very high expectations for business quality and standards are the reasons that employees stay or leave organizations. What you do and when you do, is watched as a positive or negative sign for all.

OBSERVATION: *Again, Director Collins appears to lead by example. On many visits to the jail, he was there early and worked late; he is known to attend Metro Council meetings and other meetings in the evenings after working a full day.*

**(4) Walk Around.** Walking around and briefly talking to employees and fellow employees about what they are working on, any problems encountered, and what they need to have to be successful is a great, quick way to learn and demonstrate that you care. Taking too much of people's time and failing to follow up on responses will peg you as a possible micromanager and insincere.

OBSERVATION: *As noted above, Director Collins was observed throughout the jail on numerous occasions speaking with employees, seeking input, and viewing firsthand the*

*operations of the jail and assessing the needs. He exhibits a sincere interest in his employees and their wellbeing.*

**(5) Spot Coaching for Employee Development.** When you are walking around, spot coaching in 10–15-minute segments is a great way to develop employees, train a skill set, and identify training needs of both individuals and your group. Again, follow up training resources and plans are essential to establish yourself as a sincere leader.

*OBSERVATION: Although not directly observed, Director Collins has the opportunity to assess training needs during his “walk abouts” and has indicated multiple times during discussions his desire to get training for his staff at all levels of the organization.*

**(6) Use of Specific Compliments & Highlight Others Success.** Another great way to lead is to identify specific business projects, reports, or customer interactions that one employee has done that sets a positive example for the entire group. A specific compliment helps other employees and management see a creative and new way to solve a problem.

*OBSERVATION: Director Collins exudes a passion for his job and his employees. He has increased the positive stories on social media and LMDC’s webpage; he and his executive staff should continue to find opportunities to highlight the success of employees—both civilian and sworn. Consideration should be given to holding an annual awards dinner or program for this purpose.*

**(7) Be Open to Recommendations for Change.** Leadership by Example is also being open to other’s ideas on how to improve and change the organization. Leading means an open, positive attitude to change and helping guide others how to make, implement, and enforce positive change that makes the organization better.

*OBSERVATION: Director Collins and his executive staff expressed they encourage all employees at all levels of the organization to submit suggestions for improving LMDC; they stated that the “best idea wins,” augmenting of the intel program, RFID technology and the K-9 program were ideas that languished until Director Collins embraced those ideas posited by staff.*

**(8) Open Communication.** Open, frequent, and honest communication is vital to success. Open communication is telling employees the Who, What, When, Why, Where, and How of the organizations plans, operations, and problems. This communication is vital to ensure that everyone understands the importance of what they are doing as well as their vital importance to the organization’s success.

*OBSERVATION: Director Collins appears to foster better communication within and outside of LMDC; based on interviews, employees feel heard, and Director Collins has opened the jail to various outside people and groups as well as the media; he seems much more comfortable with the media and enjoys sharing his passion and explaining the changes that have or are being implementing under his leadership.*

**(9) Your Personal Dress & Development.** Maintaining a professional appearance, ongoing professional development, a healthy lifestyle, and exercise are vital to show that you are prepared for present and future challenges.

*OBSERVATION: As noted above, Director Collins was always observed wearing a uniform, always clean shaven, and presented a professional image.*

**(10) The After-Action Review or Debrief.** Leaders and Employees seek to understand and learn from mistakes. The After-Action Review and Debrief process used across all services is a simple and vital quality tool to make sure an organization understands what happened, captures lessons, and implements changes to ensure a subsequent business event is a success. Failure and learning is not a problem, but repeated failure for the same underlying reasons has no excuse.

*OBSERVATION AND RECOMMENDATION: Director Collins seems willing and open to learning from mistakes. In the corrections profession, like many other professions where lives are at stake, it is imperative to learn from mistakes and not to repeat them; it was noted during many interviews both formal and informal that the employees do not believe there has been sufficient after-action feedback or lessons learned post-critical incidents in the past; Director Collins and executive and command staff should work to improve after-action lessons and learned feedback to employees to help them understand how a critical incident arose and how it can be prevented from reoccurring.*

Director Collins and his staff inherited an organization in need of strong leadership—an organization suffering from significant morale issues and insufficient staffing, a woefully inadequate and antiquated jail facility fraught with inherent limitations, and other issues that should have been addressed by prior administrations. He was given a mandate to stem the flow of contraband into the facility and the mounting inmate death toll. Director Collins must continue to guide LMDC to address this mandate and do so adhering to proven leadership

principles; however, he must not let his focus on this mandate obscure the need to address many other issues facing the organization outlined throughout this report.

Although Director Collins has made great strides improving morale and beginning to address important security issues, the most prodigious problem he faces—a woefully inadequate, antiquated, and to some an inhumane jail facility—will require the work and support of the new Mayor, Metro Council, and the public. Failure to address this problem exposes Metro Government to substantial civil liability and potential federal government intervention as recently happened with the Louisville Metro Police Department (LMPD). This federal government oversight is financially burdensome as is paying out colossal sums of money to settle civil litigation, again, as illustrated by the \$40 million paid out by Metro Government settling litigation related to civil rights violations—money that could have been better spent improving and providing better training and equipment for the police department.<sup>26</sup> Similarly, the failure to address this most pressing issue could result in the same fate for LMDC. This issue is discussed in detail in the succeeding section.

## **B. FACILITY**

One of the most glaring issues facing LMDC is the antiquated and inadequate jail facilities. The Hall of Justice (HOJ) facility was built in the 1970s to standards of that era. The standards have changed greatly over the past 50 years. The HOJ jail includes “open-grate cell fronts” that “present a serious suicide risk in their use.”<sup>27</sup>

The “Main Jail” was originally built as an office building for the Louisville Metropolitan Sewer District. In 1990, this office space was retrofitted to be a jail—something that the building was never designed to be. As a result, the configuration of the retrofitted building resulted in a maze of corridors lacking a direct line of sight to supervise inmates and presenting blind spots.

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<sup>26</sup> <https://www.courier-journal.com/story/news/crime/2023/03/10/breonna-taylor-lmpd-doj-report-misconduct-louisville-police-lawsuit-settlements/69987146007/>; see also <https://www.wlky.com/article/doj-report-lmpd-financial-fallout-taxpayers/43267039#:~:text=to%20reforming%20LMPD,-.And%20over%20the%20last%20several%20years%2C%20Metro%20Government%20has%20paid,force%20does%20its%20job%20correctly.>

<sup>27</sup> 2016 CGL Report p.3.

As noted in the Public Safety Cabinet Report dated September 2022, there have been many assessments of the LMDC facilities and staffing which have culminated in thorough reports and numerous recommendations. One of the reports was a 2016 report prepared by a nine-person team from CGL Companies, Sacramento, California. This 270-page report was the result of a comprehensive study of the LMDC jail facilities and staffing needs. Six years later most of the deficiencies listed remain or have worsened, including the staffing issues identified.

One of the key CGL findings parallels the current investigations findings:

**Our assessment of the LMDC indicates that a combination of inmate crowding, insufficient capacity, poor facility design, deficient physical plant maintenance, and inadequate staffing creates conditions under which effective and efficient operation of the jail system is not possible. In fact, if not addressed, these factors will create significant long-term risk for Louisville Metro Government over the next 10 years.**<sup>28</sup>

Several other findings continue to exist and potentially expose Metro Louisville to liability or Department of Justice oversight. These findings include:

1. Housing units in LMDC facilities are not designed for effective inmate supervision and cannot be modified in a cost-effective manner.

Current inmate housing in the LMDC is designed for **indirect linear supervision** throughout all three facilities (the Main Jail, HOJ, and CCC). Officers patrol corridors and remotely observe visible activity within housing units. **The use of direct supervision in the LMDC would substantially improve safety, security, and the overall facility environment.** However, the design of the LMDC facilities does not currently support this operational model. Moreover, our analysis indicates there is no possible way to physically modify the current housing units to allow cost-effective direct supervision.<sup>29</sup> (Emphasis added)

2. Ongoing operation of the HOJ...in its current configuration, represents a serious operational risk for the LMDC.

3. LMDC facilities lack adequate space for delivery of program services. **The most serious deficiencies here are in the medical and mental health areas.**

4. Specific deficiencies were noted in vital areas, such as doors and locks, fire alarm systems.<sup>30</sup>

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<sup>28</sup>2016 CGL Report, p.1

<sup>29</sup> 2016 CGL Report p.2

<sup>30</sup> 2016 CGL Report p.3

During this investigation-assessment of Metro Corrections, five visits were made to the various jail facilities under control of LMDC including the former Community Corrections Center. All aspects of the jail facilities were reviewed. Staff encountered during these visits were informally interviewed about the facility, their experience working at LMDC, as well as their opinions on prior and current leadership.

The visits revealed a very antiquated, poorly designed, and unhealthy working environment for employees as well as an unhealthy living environment for the persons housed at LMDC. The poor design greatly contributes to the inability of corrections officers to monitor inmates effectively and efficiently and most likely contributed to the deaths that precipitated this investigation.

In both the Main Jail (MJ) as well as the Hall of Justice (HOJ) Jail, the corridors provide inadequate direct line of sight to supervise inmates. The following pictures illustrate these shortcomings:





The two corridors shown in these photographs, like the corridors throughout both facilities connect to another corridor that angles off at 90 degrees. The only way to know what is

happening in the cells or hallways is for an officer to walk down the corridors. It is impossible to know what is occurring in the cells or dorms—inmates could be ingesting drugs, attempting to commit suicide, or harming other inmates. Due to staffing issues and the many responsibilities of the limited number of corrections officers assigned to each floor, this design creates a significant risk of inmates harming themselves or others without corrections officers being aware of this on a timely basis.<sup>31</sup> Lack of observation contributed to some of the suicides that have recently occurred in the facility.

By contrast, modern jail designs provide for one officer being able to visually observe an entire cell and dorm area from a centrally located control center as shown below:



This direct supervision podular design provides 360-degree observation of every cell and dorm and adjacent areas such a recreation area. Although some may suggest that adding cameras to every jail cell or dorm area in the current LMDC facilities might be an alternative to a newer

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<sup>31</sup> During visits, many floors had only two corrections officers to oversee 400 inmates. These officers have many other responsibilities discussed elsewhere in this report that prevent them from conducting timely checks of each cell or dorm.

modern jail, the LMDC officers responsible for monitoring the existing cameras are already unable to display all the cameras on their monitors as discussed further in this report.

The modern jail designs also provide the ability to allow inmates to interface with corrections officers one-on-one in the more open space environment. This has been shown to reduce violence in jails. It also enables corrections officers to monitor inmates more closely in real time.



**Washoe, Nevada County Jail**  
Dorm and Control Desk



As shown, one officer is able to observe not only the cells and dorm area but adjacent areas as well as other corridors. This has the potential of reducing the number of officers needed per shift—an important benefit considering the chronic understaffing at LMDC.

Suffolk County, New York Jail



Podular Design – Multiple cells or dorms face a central area from which officer can observe and hear all activities from control desk.

The current LMDC facilities prevent officers from seeing and hearing what is happening in the cells and dorms. Modern designs like those shown above would reduce or eliminate the ability of persons to commit suicide without being detected and stopped before harming themselves. Similarly, this design concept would make it much more difficult for inmates to use drugs without being detected. Anecdotally, jails with direct supervision report fewer deaths. For example, the Oldham County, Kentucky, jailer reported that over the past 20 years they have not had any suicides and only one drug overdose which involved an inmate ingesting drugs before arrival at the jail. The Washoe, Nevada, jail reported only three drug overdoses in their facility since 2000. The Lexington, Kentucky, jail facility which is also a direct supervision model has only had 3 overdoses in 23 years.

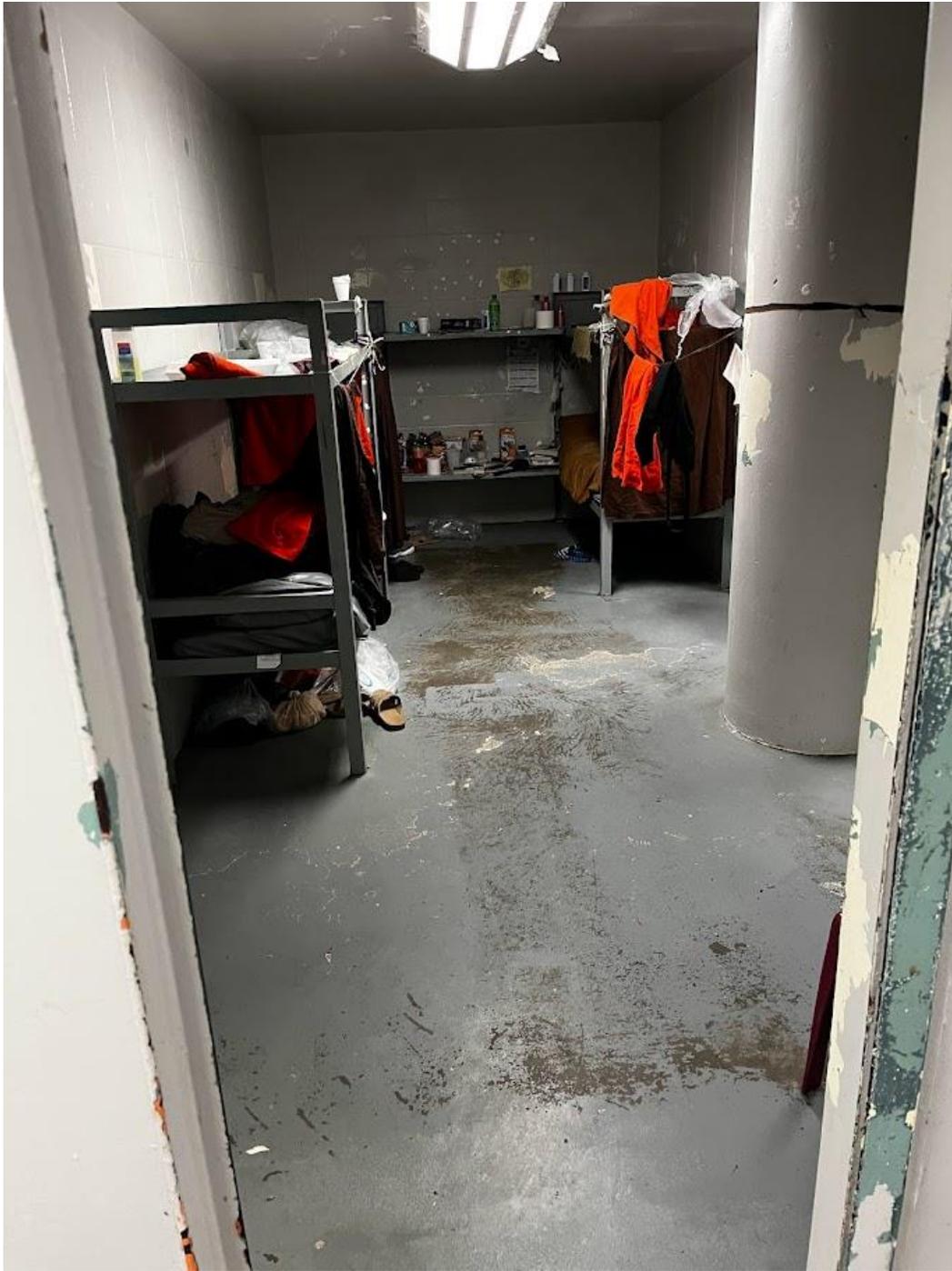
Not only would a new modern jail help reduce deaths in the jail, but the concept can also reduce the number of officers needed because one person is able to observe an entire dorm area. This was noted by those officials contacted who have direct supervision jails.

Moreover, the current jail has many shortcomings that open Metro Government to potential liability or intervention by the federal government.

Many cells are windowless and in deplorable condition. Pictures alone do not properly convey the condition of the jail, but the following pictures provide some insight:



Windowless Cell in HOJ Facility



Windowless Dorm Room – Hall of Justice Facility



Windowless Corridor – Hall of Justice Facility



Single Cell with Bars that Present Suicide Risk



Kitchen staff jail quarters

Windowless Corridor and Cells for Trustee Inmates Working in Kitchen

Oftentimes overlooked when discussing jail conditions is the fact the jails are staffed by human beings who have a right to safe and healthy—both physical and mental health—working conditions. “Any way you look at it, working in a prison or jail is traumatic and harmful to mental health. As a result, people have always quit corrections jobs at high rates.”<sup>32</sup> Not only is this important for current employees but tremendously important for attracting new recruits. Like the living conditions for persons incarcerated, the working conditions at LMDC are not conducive to one’s mental health.

The control rooms in which officers monitor cameras and operate electronic door locks and elevators controls were found to be extremely dark and dingy, in poor repair and equipped with lighting that was so harsh that employees chose to work in the dark. Moreover, the glass windows of the control rooms look out into the jail corridors where inmates walk by.

Corrections officers had suggested to prior management that the control room windows be tinted to allow the officers to see out but prevent inmates from looking in. LMDC went so far as to purchase rolls of window tinting but the prior administration stopped the window tinting project. As a result, officers placed plastic bags over the windows or sheets of plastic (the type used by builders when constructing a new building). This stop gap measure resulted in reducing or preventing officers observing what was happening in the hallways. It also created a confining dark room that felt like one was working at a construction site.

## POOR WORKING CONDITIONS

LIEUTENANT’S OFFICE



Disrepair Noted Throughout Jail

SALLYPORT - Dark Control Room



<sup>32</sup> [https://www.prisonpolicy.org/blog/2022/05/09/correctional\\_jobs/](https://www.prisonpolicy.org/blog/2022/05/09/correctional_jobs/)

## CONTROL ROOMS

PLASTIC SHEETING OVER WINDOWS



Throughout the facility, the working conditions are often poor and not a place where many would want to work. In the main floor control room, there was a large transformer on the wall that emitted a loud humming noise. Employees stated that there had been concerns about the air quality in some of the control rooms. Most areas throughout the facility are windowless except for the executive suite.

Employee furniture in many areas was old and decrepit, flooring and ceiling tile in disrepair.

## DISREPAIR OF BUILDING AND FURNISHINGS



Overall, the facility is old, antiquated and in many areas in disrepair and not conducive to one's mental health. As noted at the outset, staff shortages are a major problem at LMDC. Most of the jail facility is not an environment in which many new recruits would yearn to spend 8-16 hours a day. This environment may contribute to recruiting and retention issues. In fact, interviews with persons who left LMDC to work at other jails cited work conditions as one of the reasons they went elsewhere.



Not only are the jails cells and dorm for the general inmate population in deplorable conditions, but the cells and dorms used for inmates with mental issue issues are completely contrary to what would be considered therapeutic or conducive to helping someone with mental health issues. For example, above is an area used for housing inmates with mental health issues.

The above picture also illustrates the impossibility of knowing if a mental health inmate is harming themselves or in need of help. One inmate remarked during an interview that, “If you don’t have a mental health issue when you come in here, you’ll leave with one.” Contrast these abysmal conditions to the Nashville, Tennessee, Behavioral Care Center (BCC)—a specific part of a new jail facility built in Nashville.



The living conditions are tremendously more conducive to providing a therapeutic setting with less jail-like construction, décor, and furnishings. Not only does the ambience of the facility enhance therapeutic care, but the entire concept of the BCC helps to decriminalize mental

illness. Mental health patients do not wear jail uniforms and the staff including corrections officers wear medical scrub uniforms.<sup>33</sup>



A very important statistic that they have observed since they began the Behavioral Care Program is that they have a recidivism rate of 7 percent compared to the 90 percent average across the country. The recidivism rate for nonmental health inmates is approximately 75 percent.

<sup>33</sup> <https://sheriff.nashville.gov/wp-content/uploads/BCC-Flyer.pdf>; see also: <https://www.youtube.com/watch?v=DRdLQYDWQXo>

Dallas County, Texas, has developed a medical and mental health facility inside of its jail. The medical facility is operated by the county's nearby New Parkland Hospital. The jail design creates a standalone, centralized medical-mental health services facility with a primary goal of limiting the number of inmate visits to Parkland's emergency room and the number of inpatient stays, while providing medical and mental health care for the jail's average population of approximately 6000 inmates. While on-site correctional health is managed through a unique partnership with the nearby hospital, the improvements recently completed for the Dallas County Jail establish the facility as a national model for correctional healthcare.<sup>34</sup>

With modifications to several floors of the Dallas west jail tower, mental health program spaces are now included with two distinct aspects of the design solution that include segregated movement for mental health inmate patients and a secure suite for clinicians and staff movement. Mental health inmate patients have a separate path of movement through the facility to provide the proper treatment environments to increase positive outcomes. The core design of the treatment floor incorporates a secure suite to allow clinicians and security staff free and unobstructed movement between treatment areas in a secure environment, thus decreasing response times.

The renovated space includes separate medical and mental health clinics, dental office, a full-service pharmacy, a radiology unit and two intensive care units, one for men and one for women, along with medical staff offices.



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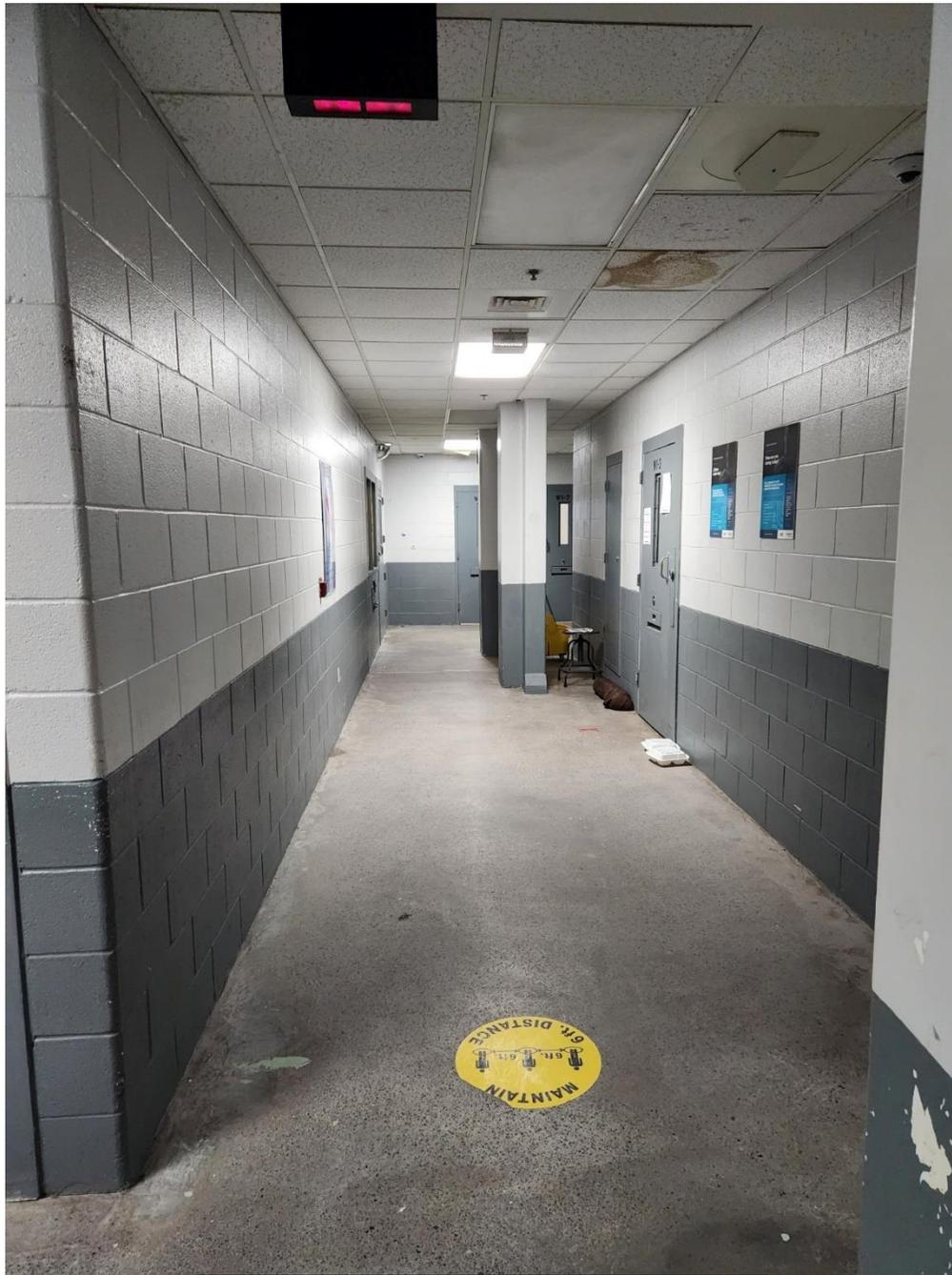
<sup>34</sup> An example of being a paradigm of excellence for others to emulate. Something Louisville should strive to be.



As the first of its kind in the country it is expected to change the way inmates in county jails are cared for throughout the United States. In fact, the Department of Justice has mandated that county facilities nationwide plan to provide similar medical and mental health services.



Again, contrast these facilities with those at LMDC earlier in this report and the following pictures of the medical and mental health cells and area.



Mental Health Cells

Years ago, persons suffering from mental illness were institutionalized. Across the country facilities were built to provide care for and house the mentally ill. In eastern Jefferson County the state built Central Street Hospital to house the mentally ill.<sup>35</sup>



<sup>35</sup> In the 1800's, this facility was called the Kentucky Lunatic Asylum.



Historical Marker on Former  
Central State Grounds

At one time, Central State Hospital patient population was 5000.

In the latter 1970s and early 1980s, many of these facilities across the country were closed to save money and in the belief far too many people were being institutionalized and a better way of caring for the mentally ill was needed.<sup>36</sup> Unfortunately, insufficient programs and funding has resulted in many of the persons previously sent to a hospital-like setting for mental health issues not being properly cared for; and, resulting in many being arrested and taken to jails

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<sup>36</sup> <https://journalofethics.ama-assn.org/article/deinstitutionalization-people-mental-illness-causes-and-consequences/2013-10#:~:text=Three%20forces%20drove%20the%20movement,to%20save%20money%20%5B8%5D>

across the country—jails like LMDC that are simply not designed or staffed to properly care for these persons. Even in the early 1900s, mental health patients in many instances had better accommodations than offered at LMDC. The pictures from the past show large open spaces with windows and spacious dining halls.

## MENTAL HEALTHCARE OF PAST

Central State Dining Hall - Circa 1906

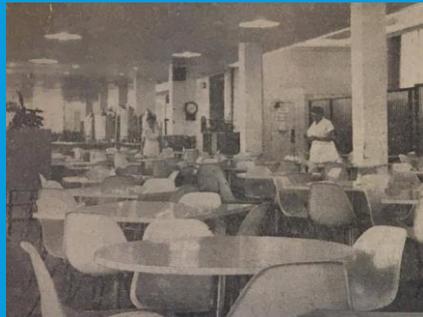


Central State Male Quarters - Circa 1906



## MENTAL HEALTHCARE OF PAST

Central State Dining Hall - Circa 1959



Central State Dining Hall - Circa 1933



Again, contrast the past with the present:

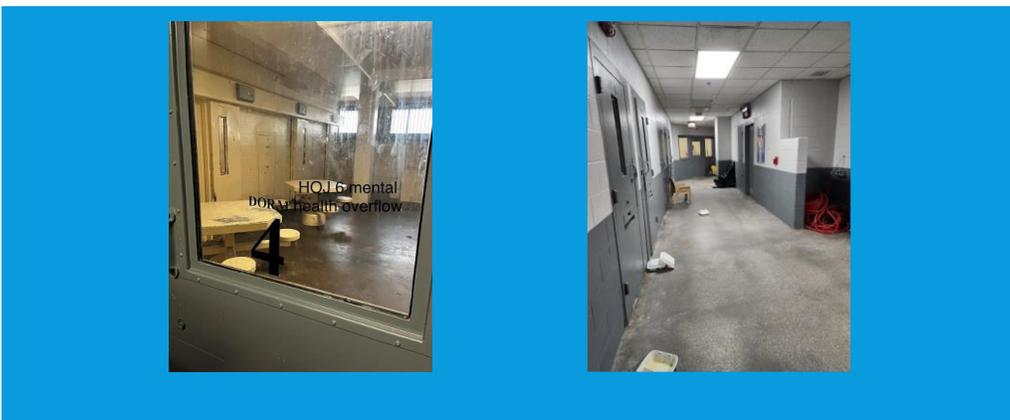
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## MENTAL HEALTHCARE LOUISVILLE - 2023



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## MENTAL HEALTHCARE LOUISVILLE - 2023



The move to “deinstitutionalize” mental health patients has resulted in many of those patients ending up in a dreary windowless concrete jail cells like those depicted above. The societal answer to deinstitutionalizing mental health care is a jail. Jails are generally not open to the public, so the result is mental health patients are “out of sight, out of mind” inside of a jail. This certainly is not a kinder “compassionate city” that Louisville proclaims itself to be.

In addition to the inhumane part of this issue, there have been civil actions filed against corrections facilities across the country accusing state and local agencies of improperly caring

for inmates and especially mental health care patients in violation of their constitutional rights. These civil actions can result in tremendous financial burdens and payments of monies better used to hire more staff and build modern facilities. In some cases, the U.S. Department of Justice has come in and conducted civil rights investigations. These investigations result in significant financial impacts to communities and cumbersome-personnel resources burdens.<sup>37</sup> Metro Louisville is already experiencing such an action with its police department with estimates of it costing the community more than \$150 million.<sup>38</sup>

In the *Jensen v. Shinn* case cited below, the U.S. District Court Judge's 64-page order describes a litany of issues that it mandated be corrected. This case and the recent mandates involving LMPD are harbingers of what could occur if swift action is not taken to plan, fund and build a new jail facility. This case is also insightful reading for LMDC managers and medical providers to review. Many of the shortcomings mentioned in the *Jensen* case were observed during this investigation and more thoroughly discussed in the Medical Section of this report.

Moreover, the civil actions being brought against LMDC arising from some of the recent deaths could potentially result in additional Metro Government funds being used to settle these cases. Again, funds these could be better used to build a new facility that may reduce similar incidents from happening in the future.

There may be some who will suggest that the persons incarcerated are getting "what they deserve." The reality is most of the people in jail have not been convicted of a crime. More importantly, inhumane, and deplorable conditions are considered unconstitutional and, as noted above, can result in significant financial burdens for a community.

There may be others who believe we don't need a jail because too many people are being arrested. In an idyllic world that might be true, but the reality is there are many people who are dangerous, commit crimes, and pose a significant risk to the safety of others. When police are called and they arrest one of these persons, they must take these prisoners somewhere and until our society devises a better alternative, that "somewhere" is jail. Concomitantly, when a police officer takes an arrested person to LMDC, the corrections officers cannot turn them away.

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<sup>37</sup> See *Jensen v. Shinn*, CV-12-00601-PHX-ROS.

<sup>38</sup> <https://www.wlky.com/article/doj-report-lmpd-financial-fallout-taxpayers/43267039>

LMDC then, like jails across this country, must provide safe, secure, and humane living conditions for arrested persons brought to them.

In summary, there have been far too many studies, reports, and multitudes of conversations about the need for a new jail. Continued failure to address this issue may have dire consequences both financially and reputationally for Louisville.

### **C. STAFFING**

Staffing shortages are a significant problem for LMDC. It is axiomatic that adequate staffing is critical to any organization, but it is especially critical in the law enforcement-corrections professions. Failure to provide the needed staffing increases the possibility of staff and inmates being injured, causes those who are working to cut corners, and can adversely impact the officer's ability to personally check on inmates increasing the possibility of them ingesting drugs or otherwise harming themselves and not being detected by staff in a timely manner.

It takes a certain minimum number of staff to safely and securely house prisoners brought to LMDC. Unlike the hospitality industry, jails like LMDC must accept the prisoners brought to them by police, probation, and parole officers. When a police officer is called to a location to resolve a situation, oftentimes a situation involving violence or threatened violence, they find it necessary to arrest someone. Once arrested, the only viable option for the police officer is to take that person to LMDC.

A police officer may deal with this person for an hour or so, but then LMDC corrections officers are responsible for that person around the clock until the person is released. LMDC is obligated to provide a safe, secure, and healthy humane environment. In essence, LMDC is a mini city that provides a room with a bed, clean linens, clean clothing, prepares and delivers food for over 1200 people three times a day, provides medical care, treatment programs, among many other tasks while ensuring inmates don't hurt one another or the staff or attempt to escape. This requires a sufficient number of personnel to fulfill its responsibilities.

Many in the community are unaware of all the tasks and responsibilities corrections officers are required to do daily and the time it takes them away from ensuring the safety and wellbeing of the jail residents. The following is a list of duties and responsibilities officers routinely handle as described by FOP President Daniel Johnson:

1. ARMBAND COUNT – Conduct an armband count on each floor every 30 to 60 minutes to ensure all inmates supposed to be on that floor are still there. If an inmate is moved for some reason, it must be noted during this floor check.

2. WORK AIDE OVERWATCH – Work Aides are inmates who conduct or assist with cleaning. The Work Aides also assist on “one-on-one watches.” Johnson described these one-on-one watches as an inmate posted outside of a cell to watch a person who might or has been listed as a suicide risk. These Work Aides also assist in passing food trays. Johnson noted that these Work Aides might also be the ones responsible for passing drugs to other inmates. Officers must oversee these Work Aides and ensure they are not leaving their post or passing contraband within the jail.

3. ATTORNEY VISITS – When attorneys come to visit an inmate, they must check in at the front desk officer who calls the appropriate floor on which the inmate is housed. Corrections officer then takes the inmate to an attorney booth where the inmate meets with their attorney. This can be a time-consuming process for the corrections officer.

4. “CHOW TIME” – Requires the corrections officers to get the food, separate the food to the various floors and locations in the jail both the north and south facilities. Johnson noted that it was important to expedite this process because the food can get cold if not promptly delivered to the inmates which creates angst among the inmates and can precipitate fights when cold food is served.

5. PASSING RAZORS INTO THE DORMS – Corrections officers distribute razors once a day to the inmates. The inmates are permitted to keep the razors for 30 to 60 minutes. Thereafter, the corrections officers are required to make sure all blades are returned. Again, this can be a tedious and time-consuming process to provide and recover razors from an average of 400 inmates housed on each floor.

6. GENERAL EDUCATION (GED) PROGRAM – Corrections officers must take inmates to the GED Program.

7. ALCOHOLICS ANONYMOUS (AA) – Corrections officers are required to take inmates enrolled in the AA program to AA meetings within the facility.

8. CHURCH VISITS – Religious organizations send representatives to the jail to meet with inmates. These church representatives go to each floor and visit with the inmates who are

interested in religious programs. These meetings are conducted in the multi-purpose room. Johnson noted that there are only three restrooms on the floor for 40 people.

9. COUNSELORS – There are between one or two counselors for the total inmate population which has been averaging 1400 inmates. Corrections officers are responsible for taking inmates to meet with counselors in the jail facility.

10. NURSES – Corrections officers assist the nurses in passing out medicines prescribed by the Corrections doctor. They must verify the prisoner's name and verify that the medicines for each inmate are still required. Johnson noted that one of the problems with the current system at LMDC is that when an inmate is taken in and they state that they have been taking certain medications, the inmates will not receive those medications until approved by the Corrections doctor. However, there is only one doctor for the facility, and it can take up to two weeks for the doctor to verify that the meds are still needed by an inmate and approved by the inmate's doctor outside the facility. This can precipitate problems when a person needs some type of medication for mental illness. It can also create problems for persons with high blood pressure or heart issues who require daily doses of medication.

11. SICK CALL – Corrections officers coordinate getting inmates to be seen by the Corrections doctor. Johnson noted that it may take up to two weeks to get an appointment to see the doctor because there is only one doctor on staff at Corrections. In addition to only one doctor for the entire facility, oftentimes there are only one or two nurses per floor when there should be eight nurses to sufficiently serve the inmate population on each floor.

12. DETOX NURSE – Officers assist with protocols when an inmate is being detoxed from some type of drug or alcohol. The officers are required to monitor symptoms three times a day. This is extremely time-consuming with the number of inmates currently housed at the Corrections facility and the limited number of staff available.

13. DOCTOR'S LIST – Corrections officers are required to coordinate and assist inmates in follow-up appointments with the doctor.

14. COURT TRANSFERS – Officers must "pull people" to go to court hearings. Often, this requires 50 to 60 inmates being pulled to be taken to court. Often this is the responsibility of one officer on each floor. Again, Johnson described this as a very tedious and time-consuming task. Johnson noted that there currently is a software system utilized by the jail called X-Jail Management System which is supposed to track where inmates are and any special needs that

they might have. Johnson stated that this software system doesn't work well. He said that part of the reason it does not work well is that the Corrections facility does not have full rights to this software. He noted that it can take between 30 and 40 minutes to get logged on to the system. This system is supposed to be used to mark or designate when people come back into the facility from attending court. Part of the system includes review of the armband each inmate wears. The armband is supposed to have a picture of the inmate, however, sometimes the picture is blurred which requires additional time to ensure that the inmate with the band is the inmate who is supposed to be wearing the identification band. Johnson recommended a different system be considered. Johnson noted that 70 percent of the inmates are repeat offenders so that once an inmate is logged into the system that data should be retained for the next time the inmate is brought back to Corrections for another offense.

15. CHANGING LINENS – Officers are responsible for changing the sheets in the inmates' living area and distributing towels, blankets and change of clothes.

16. COMMISSARY – Officers coordinate Commissary personnel distributing snacks and other items to the inmates. The Commissary personnel are civilian workers who must be monitored. These civilian employees have been responsible for bringing contraband into the facility.

17. BREAK UP FIGHTS – Corrections officers are frequently called upon to break up fights among the inmates. Like many of the other responsibilities, this can be time consuming and require multiple officers getting involved. Once the fight is quelled, officers must make a report of the incident. This is or can be a time-consuming process.

18. INMATES MOVING TO ANOTHER FLOOR LIST – From time to time, inmates are moved from one floor to another floor. Each dorm has approximately 28 beds but may house up to 50 people. When an inmate is moved from one area of the jail to another, it requires corrections officers to move that person and to ensure they will have a place in the next area to which they're being transferred. Johnson noted that currently there are 480 inmates monitored by two officers; when staffing is at a better level, that inmate-to-officer ratio is reduced to 250 inmates for two officers. During the moving process, corrections officers move the inmates on elevators. This can be time consuming in that the corrections officer has to radio the control center to bring an elevator to a particular floor and then to move the elevator and inmate to the next floor. Oftentimes there are delays moving the elevators from floor to floor as well as elevators that are nonfunctional. Johnson also noted that the officers' radios may not work in the elevators which

can create security issues for the officers. Johnson stated that the elevators are controlled by corrections officers in the main control unit which is staffed by two corrections officers. The officers in the main control unit manage the “in and out of inmates” from the floor on which they are housed to go to other appointments such as court appearances. The officers monitor the elevators, the doors in and out of the facility, and the sally-port doors where inmates are brought into the facility.

19. MAINTAINING COUNT – Officers are required to ensure that the inmates are counted periodically to ensure that everyone supposed to be on a floor remains on the floor. As part of this process, if there is an “extraordinary incident” (EI), a blue form incident report must be completed by the corrections officer which is reviewed by the sergeant. These EI forms are supposed to be completed if there is a fight or some medical need that arises for an inmate. Again, this consumes much of an officer’s time.

On many visits to the jail facilities, it was disclosed that the duties on this long list were being handled by two officers on each floor which generally houses 400 inmates. This is an extensive list of duties and responsibilities for two people to handle.

In addition to all the above-listed floor security officer responsibilities, other officers staff the “grill” where incoming prisoners are searched and passed through the body scanner; others staff the booking area, the kitchen, the maintenance unit, property room, the supply unit; still others must transport inmates to the hospital and stay with the inmate until released back to the jail; and other corrections officer are assigned to the Training Academy located on Taylor Boulevard.

All these tasks and responsibilities require a certain minimum number of personnel. If the actual number of onboard employees is insufficient to perform these jobs, then officers are forced to work overtime--meaning that an employee must work 16 hours and then return to work the next day and potentially work another 16 hours. Moreover, insufficient staffing in many instances results in staff “cutting corners” or neglecting their security duties.

During the many visits to the jail, employees encountered were asked how many hours they were working that day and virtually everyone asked replied that they were working a 16-hour shift. The following chart shows the extent of overtime worked and the associated costs.

OVERTIME PAID	
Year	Amount Paid
2015	\$1,731,835.50
2016	\$1,821,568.06
2017	\$3,587,402.99
2018	\$5,006,483.44
2019	\$5,368,280.03
2020	\$5,215,997.02
2021	\$4,031,154.00
2022	\$5,661,161.45
<b>Total</b>	<b>\$32,423,882.49</b>

This \$32 million could have been better used to increase the starting pay for new officers which might encourage more applicants to apply and, thereby, help address part of the staffing issues as more fully addressed in the Recruiting and Retention section of this report.

Again, the amount of overtime paid over the past 8 years clearly illustrates the extent to which staff are required to work overtime and the financial burden on LMDC.

Sworn Positions – Budgeted vs Actual

Year	Budgeted Sworn	Actual Sworn	Shortage
2013	450	430	-20
2014	456	441	-15
2015	456	432	-24
2016	459	429	-30
2017	474	426	-48
2018	475	412	-63
2019	459	392	-67
2020	441	385	*-56
2021	435	321	*-114

\* If the 2018 budgeted positions figure of 475 were used, the shortages would actually be: 2020: -90; 2021: -154

The above chart shows an upward trend of sworn officer shortages with 2021 reflecting the highest number of vacancies over the nine years surveyed. It is simply unsafe to operate a facility with so many vacancies.

Not reflected in the above chart and often overlooked in discussions about staffing is the fact that LMDC employs a large number of civilian staff who are critical to the jail operations.

These civilian staff members serve a very important role at LMDC. They assist in the booking area as prisoners are brought in, conduct criminal history checks and incarceration records on prisoners brought into booking, maintain and handle inmate records including managing the records of inmate release dates, handle classification information that includes reviewing all information available to ensure inmates are housed in the area appropriate for their current charges as well as information about their behavior during past incarcerations and other factors that dictate where an inmate should be housed for their safety and that of other inmates.

Civilian personnel also maintain records on inmate release dates and ensure inmates are released at the end of their court ordered incarceration period, maintain and handle all employee personnel records, handle complaints, assist with recruiting and a multitude of other responsibilities that support the sworn officers and ensure the administrative portion of the jail functions properly.

The below chart reflects the number of civilian staff needed (budgeted) to support the jail operations and the vacancies and understaffing since 2013.

Civilian Positions – Budgeted vs Actual

Year	Number Civilian	Actual Civilian	Shortage
2013	131	117	14
2014	134	109	25
2015	134	113	21
2016	134	120	14
2017	138	119	19
2018	139	116	23
2019	139	111	28
2020	140	117	23
2021	156	118	38

Again, just like with corrections officers, there is a minimum number of civilian staff required for the jail to operate properly. Civilian staff shortages result in a backlog of work that doesn't get addressed that can lead to problems within the jail as well as liability issues. For example, it was reported that LMDC was sued because inmates were being held beyond their release dates.

There is overwhelming documentation to support the refrain heard throughout this investigation, in media reports and concerns voiced by the FOP that LMDC and the operations of the jail suffer from a substantial shortage of personnel. Failure to address these staffing concerns creates significant safety risks for staff and inmates; degrades the security of the facility and efforts to control contraband into the facility; has and will continue to contribute to deaths in the jail; and creates immense hardships for the dedicated employees who frequently are required to work 16-hour shifts in an antiquated jail facility which greatly impacts their physical and emotional health.

Interviews with staff throughout LMDC reiterated the need for additional staff for the safety of inmates and staff. In addition to needing additional officers for floor security, staff and executive management stated that they believe additional staff need to be assigned to the Training Academy, the Policy Unit, Intelligence Unit and HIP.

**TRAINING** — Exceptional training is critical to the success of LMDC. Current training staff spend most of their time teaching new recruits, people from other corrections jobs lateraling to LMDC, and returning retirees along with trying to provide thorough quarterly in-service training. They have very little time to create and update training curriculum, lesson plans, and PowerPoints. As discussed in the Training Section, it is highly recommended that at least two additional instructors be assigned to the Academy.

**POLICY UNIT** — The LMDC policy and post order manuals are woefully out of date. Many have not been reviewed or updated since 2014. This is due to a lack of staffing in the Policy Unit which spends the bulk of its time responding to open records requests. It is important to review and update policy to address changes in the law, court decisions, technology changes, and modifications of what are best practices. Failure to do so can result in civil liability. At least an additional officer or support staff needs to be assigned to this unit.

**INTELLIGENCE UNIT** — A robust and fully staffed intelligence unit is critical to a corrections facility. These units scan and review mail, texts, emails, and other communications to learn of efforts to bring contraband into the jail, learn of any information that might threaten the safety of inmates or staff, and develop information concerning inmates' efforts to continue criminal activities from the jail. Under Director Clark, the intelligence unit was not staffed for many months; finally, one officer was assigned to the unit; Director Collins has diverted another officer away from floor security to assist in the intelligence unit.

**HOME INCARCERATION PROGRAM (HIP)** — On the day the HIP Unit was visited, there were 650 persons then on HIP confinement with only a total of 12 officers in the unit to monitor the 650 on HIP and cover three shifts. Ideally, each shift should have 8 officers. The HIP officers should do home checks to verify that the inmates are where they are supposed to be. Current staffing levels preclude this from being done. Under the prior administration, they did not want the HIP officers to conduct these home checks or street patrols. Inmates returning or arrested for violating the HIP program are frequently found to have drugs and guns in their possession. Each officer in the HIP is responsible for up to 70 inmates. The inmates wear an

ankle bracelet that sends an alert to the HIP office if the bracelet is removed or the person wearing the bracelet leaves the approved designated area. Ideally, when this occurs, HIP officers should respond to address the situation but due to staffing issues, that is not always done. This is a significant staffing issue that needs to be addressed.

AUDIT UNIT — Currently, LMDC does not have a unit that periodically audits or reviews compliance with security protocols or other policy mandates. The failure to follow security protocol and other safety mandates was identified as a contributing factor to the increase in deaths. An Audit Unit should be created to assess compliance with policies and procedures which reports its finding to management to guide decisions and assess policy or training deficiencies. This is an important unit that needs to be established to help reduce security and safety violations or deficiencies. It is a proactive approach rather than a reactive approach to management which has been the practice for many years. The creation of this unit will result in increased staffing needs.

Director Collins has implemented creative and useful hiring practices such as encouraging retired LMDC officers to return to help transport inmates to the hospital. He has also established a lateral transfer program with monetary incentives. Metro Council has also assisted in the efforts to attract recruits by increasing pay and allocating funds to improve security at LMDC. Yet, there is more that can and should be done to address the substantial staffing issues at LMDC.

Consideration should be given to reevaluating what current positions staffed by sworn officers could be handled by civilian or contract personnel. For example, the Maintenance Unit currently consists of five sworn officers. Officers are selected for positions in this unit solely based on seniority. Thus, a person could be selected to work in maintenance without the requisite skillset to benefit the maintenance unit. More importantly, civilians could staff the Maintenance Unit, freeing up five officers to be used elsewhere. Job postings for these civilian positions could specify the skills and experience needed for the opening such as electrical or plumbing experience. Other jails throughout the country have found this to be not only feasible but beneficial in that they get a person who has skills and experience to truly benefit the institution.

Other examples are staffing the control rooms with civilians to monitor the cameras and other non-law enforcement duties; hiring outside instructors for the Training Academy who have

experience and knowledge about topics that might be beneficial such as legal instruction, harassment training, psychology, or mental health matters, or teaching experience to help work on curriculum and evidence-based training methods.

Also, a sergeant is currently assigned as the supply technician that includes ordering uniforms. Civilians are in this position in many law enforcement agencies to include the FBI.

Finally, the staffing in the lobby could be handled by an outside security company as is done at the federal building, federal courthouse, and the Louisville FBI Field Office. A cost benefit analysis may reveal implementing this would result in cost savings and, once again, provide additional officers for assignment elsewhere.

Currently, the contract with the FOP designates many of these jobs as “bidded positions” that must be filled with sworn officers. It may be time to revisit some of these contractual mandates. The above suggestions have been successfully implemented by other institutions throughout the country.

An objection voiced when these suggestions were discussed was that these non-floor security jobs are useful “step-off” points for officers to get a break from the rigors of floor security. Like most business decisions, there are pros and cons that need to be weighed against the ultimate benefits to the organization and its overall success. The main purpose of a jail is to provide safe and secure housing for the inmates as well as a safe workplace for officers. The current staffing shortages negatively impact these primary goals. Again, shifting certain positions to civilian personnel may result in cost savings and provide additional personnel to assist elsewhere at LMDC.

There is no question that additional staff are needed at LMDC. Increasing the number of onboard staff would work to reduce job stress created by the current system of mandating so much overtime which gives officers little time to decompress, rest and reset. In addition, a new jail facility could provide places within the jail for officers to get away from the stress such as bigger and better breakrooms, gym facilities, outdoor space among other amenities that would serve to reduce stress and improve recruiting and retention of personnel more fully discussed below.

In summary, there have been and continue to be staffing shortages for both sworn officers as well as civilian staff. Director Collins in his short tenure thus far has implemented new policies to help address these staffing issues. Additional creative, innovative and “outside the

box” thinking should be considered to include the suggestions outlined in the Recruiting and Retention section.

#### **D. RECRUITING AND RETENTION**

As discussed in the preceding section, staffing is a critical issue for LMDC. The best solution to this problem is a robust recruiting program which includes metrics to validate whether the time and effort expended is garnering the desired results. Without a validation component, the limited recruiting personnel resources may not be operating most effectively and efficiently, thereby resulting in wasted time and effort. In addition to a validated recruiting process, the recruiters must provide potential recruits with a positive image of LMDC and the job opportunities at LMDC that will encourage people to apply; they should be knowledgeable about the best recruiting protocols; and be assigned fulltime solely to this most important task. The latter requirement of sole focus on recruiting is lacking at LMDC as discussed later in this section.

Recruiting for corrections or law enforcement jobs can be a challenge especially considering the persistent media reports casting the law enforcement profession in a bad light. Working in a jail facility is a mentally and physically difficult job. This alone can be an impediment to recruiting. It is compounded if the working conditions are dismal because of an antiquated facility.

A frequent refrain by many locally and nationally is that these staffing and recruiting difficulties are happening across the country. Although there is some truth to this conclusion, the statement reflects a negative outlook that good leaders should avoid. The reality is many law enforcement agencies have overcome these hiring challenges by creative leadership solutions such as streamlining the application process, improving starting pay to make the job more financially attractive, providing incentives for those applying, and providing incentives to existing employees (sometimes government-wide) who recruit new applicants. Another factor in attracting applicants is having strong leadership that supports and encourages their employees.

Locally, the Jeffersontown and St. Matthews Police Departments illustrate that the “it’s happening everywhere mindset” is false defeatist narrative. Both departments receive significant numbers of applicants anytime a position becomes available. At times these departments have

received up to 75-100 applications for one position.<sup>39</sup> They accomplish this without going to or holding job fairs or doing other recruiting efforts. Common elements of both departments are they pay extremely well compared to other local police departments, they provide excellent working conditions by properly equipping their officers, providing newer model patrol vehicles, and having modern police facilities coupled with strong leadership that supports their officers in the face of criticism while holding their officers accountable. In discussion with officers who have moved to these departments from other agencies, they cite the above factors especially the strong supportive leadership component.

The strong supportive leadership component seems apparent at LMDC under the new director. In multiple interviews with Director Collins, he exuded a strong passionate leadership persona. He frequently stated he wants to reinvigorate the basic security protocols that waned during COVID, improve working conditions, foster a professional culture of equality and accountability, and solicit nonjudgmental input to better the organization. These attributes and principles will help with the recruiting efforts.

Metro Government in negotiations with the Corrections FOP agreed to numerous incentives that will help in the recruiting and retention of employees. These incentives include hiring bonuses of \$8000, relocation allowances up to \$3000, and raising the starting pay from \$17.41 to \$21.75 per hour.

Salary is an extremely important component of hiring and recruiting employees. As the adage goes, “you often get what you pay for.” Metro Corrections currently expends on average \$4 million a year paying overtime. This should prompt leaders, both at LMDC and Metro Government, to ask whether using a part of that \$4,000,000 a year to increase the wages for corrections officers might attract more people to the job, result in retention of more employees, and reduce overtime costs.

In addition to the substantial sums of overtime paid each year, LMDC like other Metro agencies, pays out money to settle lawsuits that could be better spent on attracting a better caliber of employees and, thereby, reducing the number of lawsuits and payouts of money that provide no benefit to LMDC.

The incentives and salary increases already approved are excellent actions that will likely improve recruiting efforts along with retention goals. There are other actions that can be taken

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<sup>39</sup> Information provided by Jeffersontown Chief Rick Sanders and St. Matthews Chief Barry Wilkerson.

by LMDC and Metro Government to help in the recruiting efforts; and other actions may require state government action.<sup>40</sup>

Examples of departments across the country that have implemented other incentives that should be evaluated include the Willimantic, Connecticut Police Department, the Washoe County, Nevada Sheriff's Department, and the Polk County, Florida Sheriff's Office.

The City of Willimantic is the 6<sup>th</sup> poorest city in Connecticut, yet they have implemented these hiring incentives:<sup>41</sup>

- About seven years ago they changed their pension from a 20 year to a 25 year for new hires. They then saw people with less than 5 years' experience begin to depart and a reduction in applicants; they reverted back to the 20-year plan and that has slowed the departures.
- A \$2000 bonus to **any town employee** who recruits a new hire. The hire must graduate from the Academy and Field Training.
- Yearly bonuses for education based on degree, longevity and sick time used (if an employee does not take a sick day all year, they receive four days of pay).
- Pay 100% of educational costs associated with higher education.
- Match \$100 per pay period towards an IRA.
- Adjusted work schedules from a 5 on 2 off to a 5 on 3 off/5 on 2 off. Giving each patrol officer another 26 days off.

The Washoe County Sheriff's Department (Reno, Nevada) provides the following incentives:<sup>42</sup>

- Pay 2.5 times regular pay if employee works overtime on a holiday.
- Paid an additional \$250 if they work a "holiday weekend."
- Generous annual vacation earning up to 96 hours per year for 3 or less years of service up to 200 hours per year with 20 years or more years of service.
- Longevity pay not to exceed \$10,000.

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<sup>40</sup> Numerous employees stated the change of the retirement system in 2013 and 2019 that resulted several changes to include a significant increase in the number of years one must work before being eligible for full retirement benefits. Many lamented that working in a jail is mentally and physically exhausting and that being eligible to retire in 20 years seemed doable. They said the prior system was an incentive for employees to stay a full 20 years.

<sup>41</sup> Interview with Douglas Glode, Deputy Chief, Willimantic Police Department.

<sup>42</sup> Interview with Captain Darrin Rice, Washoe County Sheriff's Department.

- Special Assignment pay (K-9, SRT, FTO, Range Master) from 2% up to 10%.

The Polk County Sheriff's Department (Lakeland, Florida) offers a special monetary stipend to recruits while they are attending the academy and provides tuition reimbursement.<sup>43</sup>

In addition to hiring incentives such as these, LMDC and Metro Government should review the application process and the length of the process. Often recruits are disenchanted with the length of and complexity of the hiring process; some recruits may be dissuaded from applying all together or those who do apply may be offered a job by another entity before receiving a job offer from LMDC.

Currently, there appears to be a cumbersome application process that is linked into a government-wide Metro Government Human Resources hiring protocol. Although a uniform hiring platform for all Metro jobs may be advantageous to ensure a consistent and valid hiring process, the extensive need for hiring law enforcement-corrections officers who fill critical life and death jobs, may merit a separate hiring path to expedite the hiring process.

LMDC HR Executive Administrator Wanice Tunstull stated that the Metro screening process, although objective, may eliminate candidates because the people at Metro Government reviewing the applications may not be completely conversant with LMDC needs. The initial screening done by Metro Corrections is done by checking boxes whether the applicant meets the initial requirements of the agency posting the application.

Examples of streamlined application processes include the Polk County, Florida, Sheriff's Department. They have developed an application process where Polk County Sheriff's personnel go to job fairs with a laptop computer by which an individual can complete the job application on-site at the job fair. The Sheriff Office's staff at the job fair will assist the applicant in completing the application. The application is then reviewed at the job fair and preliminary criminal history, driver's license, court records and research of intel files are conducted while the person is at the job fair. Polk County Sheriff's deputies will then interview the applicant at the job fair if the preliminary background information comes back without any negative information. If the applicant passes the interview at the job fair being conducted by

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<sup>43</sup> Donna Parker, MBA, CPM, Director of Human Resources, Polk County Sheriff's Office.

Sheriff detectives, the applicant is scheduled for all testing required and given a conditional offer of employment that they must pass all the required tests. Thus, a one-day application process.<sup>44</sup>

Additionally, they have developed recruiting placemats which they provide to entities requesting the department to sponsor an event. The placemat includes information about the department including available job opportunities and salaries offered. These placemats are used by groups such as the NAACP at various events conducted by them throughout the year.

Similarly, the Clayton County, Georgia, Sheriff's office has implemented an application process that results in a conditional offer of employment being given within 48 hours of the application being completed.<sup>45</sup>

Many jails throughout the country are operated by the county sheriff's department. Many of these departments hire new deputies with the understanding they will work in the jail for a period of time—often three years—at which time they are eligible to move to patrol duties. The result is an increase in applicants. Moreover, they have found that the time working in the jail makes them a better patrol deputy because the jail familiarizes them with dealing with people they will encounter on patrol, and it hones their communications skills and helps them deescalate issues on the street the same as they were required to do in the jail.

Locally, the Shively Police Department Chief started out at LMDC. He has hired several lateral transfers coming from LMDC. Two of those transferees were interviewed and both stated that the time working at LMDC made them better patrol officers.<sup>46</sup>

The concept of having the LMDC operated by the Sheriff's Department was beyond the scope of this investigation, but the concept of having potential patrol officers work in the jail before moving to street patrol is a concept that may be worth exploring.

In the meantime, LMDC officials have been working with Kentucky state law enforcement accreditation officials to potentially have LMDC recruits undergo the same training as do new police recruits, thereby, giving those corrections officers the potential for lateraling to a police department after working several years at LMDC. Again, providing an additional incentive to apply to LMDC.

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<sup>44</sup> Donna Parker, MBA, CPM, Director of Human Resources, Polk County Sheriff's Office.

<sup>45</sup> Brandon Criss, Chief Deputy, Clayton County, Georgia Sheriff's Office.

<sup>46</sup> Interviews with Shively Sergeant Nicholas Spaulding and Officer Brandon Bolton.

Some may question this as an ill-advised move because it will result in trained corrections officers leaving LMDC to become a police officer. This conclusion is not supported by the many corrections officers interviewed who stated they started at LMDC with the plan to use LMDC as a steppingstone to become a police officer, but they decided to stay at LMDC because they liked the job and the camaraderie they experienced.

In addition to adding additional hiring incentives and streamlining the application process, a significant deficiency in the current recruiting process is the staffing for recruiting. Currently, there is only one corrections officer who handles virtually all the recruiting.

Executive Administrator Wanice Tunstull, who handles all Human Resource matters for LMDC, is actively involved in all the aspects of the hiring process to include going to job fairs and other recruiting outreach, conducting the physical ability test, and manually logging every step of the application process in an Excel spreadsheet that she has created. Meanwhile Executive Administrator Tunstull is responsible for the following time-consuming duties:

- Payroll
- All Human Resources matters for LMDC
- COVID Coordinator
- All aspects of hiring civilian and sworn personnel
- Medical Records
- Federal Family Medical Leave Act requests
- Workers' compensation claims
- Payroll disciplines
- Disciplinary matters
- Grievances filed by employees
- Sexual Harassment Complaints

Although Ms. Tunstull presented a very positive attitude and desire to do what is best for LMDC, this extensive list of responsibilities would certainly divert her from focusing solely on recruiting—one of the top issues facing LMDC. Moreover, having an executive at her level

manually inputting data into a spreadsheet is a misuse of her talents and ability and should be handled by a subordinate.<sup>47</sup>

Until staffing is increased to the budgetary approved levels, an additional person adept at and knowledgeable about recruiting should be dedicated full-time to recruiting matters. Additionally, consideration should be given to using the training staff to assist with the physical ability testing. Training staff are knowledgeable about the physical aspect of recruit training and could play a valuable role in discerning whether the candidate will be able to complete the training regime.

Captain Gene Llaguno stated that the Recruiting Unit needs to be expanded. He opined that one person cannot do adequate recruiting by themselves. Capt. Llaguno made the following recommendations:

- There needs to be better communication between the Training Academy and the recruiting personnel.
- The Training Academy should be advised two to three weeks ahead of a new class who will be attending that class rather than being told a day or two before the class begins.
- Training staff should be involved in the recruiting process. He believes it would be extremely beneficial for someone from the training staff to meet with potential recruits to explain to them what is expected of them and how to prepare for the academy. He believes that an adequate explanation of what is expected of a corrections officer and what the potential recruit will experience at the academy would reduce the number of people who leave midway through a recruit class.
- Training staff should be involved in the Physical Ability Test (PAT). This test is conducted as part of the recruiting process. Currently, the recruiting officer, Andrew Young, and HR Director Wanice Tunstull conduct the PAT tests.

These recommendations were echoed by others at the Training Academy. Training staff stated that they used to be involved in the recruiting process.

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<sup>47</sup> The creation of independent Excel spreadsheets accessible to the creator or a limited number of persons at LMDC with management level personnel loading data is an issue seen throughout LMDC more fully discussed later in this report.

LMDC should engage the Training Staff in the recruiting process, which would help the Recruiting Staff to focus more time on recruiting efforts rather than the administrative aspects of the process.

In addition to dedicating additional staff to recruiting, LMDC needs to establish metrics to validate that the time and effort expended is garnering the desired results. This should include asking applicants what attracted them to LMDC—was it a recruiting event, a commercial, social media, word of mouth, etc. The answers should be tracked to determine which methods are the most productive. This would give guidance on which recruiting methods should be continued as well as identify methods that are not effective and should be discontinued.

Currently, LMDC has a \$100,000 contract with a private company to increase LMDC’s social media footprint. When asked how many people have been hired because of this contract, the answer was they did not know. A similar answer was given concerning the other recruiting methods currently being used.

Not having metrics to assess the results of recruiting efforts and money expended would be like a CEO of a business asking their staff how an advertising campaign had gone, only to hear back how much the campaign cost and how long it took to roll out but “we haven’t looked to see whether we’re selling more.”<sup>48</sup>

There are many resources available to help guide organizations with recruiting and retaining employees. Some of these resources provide insight into best practices for recruiting and retaining the current younger generation. Matters that may have been important in the past decades may not be productive any longer.<sup>49</sup>

For example, younger employees are increasingly demanding a more balanced work-home life and aren’t willing to sacrifice everything for their careers. Lifelong employment with one organization is no longer the core desire. Instead, they’d rather continue to search for the best pay, benefits, and culture and work environment.<sup>50</sup> Although benefits and perks are

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<sup>48</sup> <https://resources.workable.com/tutorial/recruitment-and-retention-strategies>

<sup>49</sup> Id; see also <https://www.cmswire.com/digital-workplace/6-ways-to-improve-employee-recruiting-and-retention/>; <https://www.cio.com/article/251060/employee-retention-10-strategies-for-retaining-top-talent.html>; <https://resources.workable.com/tutorial/recruitment-and-retention-strategies>;

<sup>50</sup> <https://astronsolutions.net/employee-recruitment-and-retention/>

important, job satisfaction is even more important and plays an important role in retaining employees.<sup>51</sup>

Moreover, employee wellness should be an important consideration to retaining corrections employees. As noted in a recent article on recruiting and retention, “Any way you look at it, working in a prison or jail is traumatic and harmful to mental health. As a result, people have always quit these jobs at high rates.”<sup>52</sup> Implementing a robust wellbeing program to help employees properly deal with stress will help to retain employees as well as reduce absenteeism which is a major problem at LMDC. To his credit, Director Collins included a doctoral level psychologist as part of his executive management team to help develop a wellbeing program.

In addition to rethinking what will attract and retain employees as discussed above, another issue that needs to be addressed is an underlying culture that “female officers are less than male officers” and other embedded anachronistic beliefs. Numerous female officers stated they have been victims or observed other females victimized.<sup>53</sup> This behavior is not conducive to attracting or retaining female recruits.

Hiring the proper people is critical to the health of an organization. Hiring people just to increase the numbers in an organization is a recipe for major problems and litigation. Although it is too early to state that the recent incident involving the Memphis, Tennessee, Police Department was a result of inadequate vetting of personnel, it is an example of what can happen if the right people are not hired into an organization.<sup>54</sup>

Some officers interviewed stated that they believe the hiring standards as well as Training Academy standards have been lessened over the past few years, especially during COVID. Even though staffing is a critical issue, not having appropriate standards for entry into LMDC as well as required to graduate from the Training Academy may result in actions that create civil liability along with adverse public and media attention.

One of the critical factors to recruiting and retaining employees is the working conditions. Employees, especially in the medical realm, want to have a clean and safe place to

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<sup>51</sup> <https://www.cmswire.com/digital-workplace/6-ways-to-improve-employee-recruiting-and-retention/>

<sup>52</sup> [https://www.prisonpolicy.org/blog/2022/05/09/correctional\\_jobs/](https://www.prisonpolicy.org/blog/2022/05/09/correctional_jobs/)

<sup>53</sup> Discussed in greater detail in the Sexual Harassment Section.

<sup>54</sup> <https://www.cnn.com/2023/02/08/us/tyre-nichols-memphis-officer-misconduct-documents/index.html>

work. The current jail facility lacks both of those critical elements to recruiting and retaining employees. Former LMDC employees who quit and moved to the Oldham County Detention Center were interviewed. These employees stated that one of the main reasons they left and took a pay cut was to work in a better environment.

There are examples of entities doing an excellent job of vetting potential employees such as Enterprise Rental and Chick-fil-A. If one were to contrast the quality of employees, professionalism, and politeness of Chick-fil-A employees against other fast-food establishments, it becomes obvious that proper vetting of employees coupled with proper training and protocols in place make a tremendous difference in the quality of an organization. There is a reason why Chick-fil-A generates as much revenue in six days as its competitors do in seven.<sup>55</sup>

Another extremely important component of hiring and recruiting employees is the salary that is offered. As the adage goes, “You get what you pay for.” Metro Corrections currently expands on the average of \$4 million a year paying overtime. This should prompt leaders at both LMDC and Metro Government to ask whether using part of that \$4 million should more appropriately be used to increase the wages of corrections officers which may attract more people to the job and result in retention of more employees and less overtime. The Washoe, Nevada (Reno) Sheriff’s office that operates the jail pays its deputies in the jail as more or more than local and state police agencies. They have had state troopers transfer their department because of the salary deputies (both in the jail and on patrol) more than the state police. In addition to the substantial sums of overtime paid each year, monies paid out to settle lawsuits could be better spent on attracting more and possibly better caliber of employees, thereby, reducing the number of lawsuits and payouts of money that provide no benefit to LMDC.

## **E. ACCOUNTABILITY**

Employees throughout LMDC stated that they believed there was a lack of accountability. Specifically, they stated oftentimes employees violate policy and yet are not

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<sup>55</sup> [https://finance.yahoo.com/news/much-money-does-chick-fil-214841976.html?guccounter=1&guce\\_referrer=aHR0cHM6Ly93d3cuZ29vZ2xILmNvbS8&guce\\_referrer\\_sig=AQAAACRqzxxzL6iU1UIG3taLSldZYP3NzTCOIWp3XtPnbhugqGCs25liYVEWwcaqwyszzXxsTGKb6pjnUja\\_hm5ELLtMkprw3z0VzuOlvjzhxliB5YbxUovt5Eecjeh3GTAzsFNzeNxz3MU\\_8wuqYXx1JoT9ZROM\\_sJkN\\_R7DZMjv\\_h9](https://finance.yahoo.com/news/much-money-does-chick-fil-214841976.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xILmNvbS8&guce_referrer_sig=AQAAACRqzxxzL6iU1UIG3taLSldZYP3NzTCOIWp3XtPnbhugqGCs25liYVEWwcaqwyszzXxsTGKb6pjnUja_hm5ELLtMkprw3z0VzuOlvjzhxliB5YbxUovt5Eecjeh3GTAzsFNzeNxz3MU_8wuqYXx1JoT9ZROM_sJkN_R7DZMjv_h9)

disciplined. Others stated that even if a person is disciplined, the penalty is not sufficient to cause the violator to stop the behavior. Some opined that this was a result of management not wanting to discipline someone which might cause them to leave LMDC. Still others opined that supervisors were reluctant to “write someone up” for fear they will be sued or accused of discriminatory conduct. Whatever the reason, employees stated it hurts morale.

Disciplinary records for the period July 2017 through July 2022 were reviewed. This review revealed a substantial number of employees who were repeatedly disciplined but remained on the rolls. This review also disclosed that 66% of the 3,733 disciplinary cases were related to time and attendance issues.

Employees said that when a person calls in sick at the last minute or simply doesn’t show up for work, it causes those already at work to work overtime. In many instances, the employee forced to work overtime is forced to cancel plans or activities they had scheduled after work and at times creates childcare issues.

The chart below shows the frequency of various categories of disciplinary action and shows time and attendance violations are the most frequent issues. Most of the discipline relates to time and attendance issues. The number of violations related to time and attendance are shown in red.

Categories of Disciplinary and Frequency

Category	Occurrences		Percentages (%)
Abuse of Sick Leave	19	0.00509	0.51
Complaint	5	0.00134	0.13
Conflict of Interest	2	0.00054	0.05
Insubordination	526	0.14091	14.09
Intoxication or possession	1	0.00027	0.03
Late for work	459	0.12296	12.30
Misconduct	93	0.02491	2.49
No call, no show	47	0.01259	1.26
Performance	251	0.06724	6.72
Sleeping on duty	20	0.00536	0.54
Terminated during probation	1	0.00027	0.03
Time and attendance	1861	0.49853	49.85
Unauthorized absence	92	0.02465	2.46
Unsafe act	9	0.00241	0.24
Violation of SOP	269	0.07206	7.21
Violation -Internet/Email/MTS	25	0.00670	0.67
Violation -Metro Personnel Policy	9	0.00241	0.24
Violation -Principles of Behavior	42	0.01125	1.13
Violence in workplace	2	0.00054	0.05
<b>Total</b>	<b>3733</b>		<b>100</b>

66% of discipline has been related to time and attendance issues

The following pages clearly confirm that many people are repeat offenders—some as many as 30 times. The names of the employees and their employee number have been removed from this chart and replaced with a number preceded by an “E.” Each different color bands together all the disciplinary actions against one employee. This spreadsheet confirms what many have stated throughout this investigation—LMDC lacks holding people accountable.

**Purposefully Left Blank**

Name	Report Dt	Inc Type	Act Type
E-0001	2/18/2020	Performance	Suspension
E-0001	2/25/2020	Performance	1 Day Suspension
E-0002	7/12/2017	Insubordination	Written Reprimand
E-0002	8/28/2017	Time and attendance	Written Reprimand
E-0002	10/2/2017	Time and attendance	Oral Reprimand
E-0002	10/9/2017	Time and attendance	Written Reprimand
E-0002	10/19/2017	Time and attendance	1 Day Suspension
E-0002	1/24/2018	Time and attendance	3 Day Suspension
E-0002	5/8/2018	Violation of SOP	Oral Reprimand
E-0002	7/9/2018	Unauthorized absence	Written Reprimand
E-0002	8/10/2018	Time and attendance	Written Warning
E-0002	8/17/2018	Performance	Oral Reprimand
E-0002	11/26/2018	Time and attendance	Written Warning
E-0002	1/28/2019	Time and attendance	Written Warning
E-0002	7/10/2019	Time and attendance	Written Warning
E-0002	7/16/2019	Late for Work	Written Warning
E-0002	8/5/2019	Time and attendance	Oral Reprimand
E-0002	9/12/2019	Time and attendance	Oral Reprimand
E-0002	9/30/2019	Time and attendance	Written Reprimand
E-0002	10/15/2019	Late for Work	1 Day Suspension
E-0002	10/23/2019	Time and attendance	1 Day Suspension
E-0002	10/31/2019	Late for Work	Dismissed
E-0002	10/31/2019	Misconduct	1 Day Suspension
E-0002	11/1/2019	Late for Work	1 Day Suspension
E-0002	12/28/2019	Misconduct	Dismissed
E-0002	1/6/2020	Time and attendance	Written Reprimand
E-0002	3/4/2020	Time and attendance	3 Day Suspension
E-0002	3/9/2020	Insubordination	3 Day Suspension
E-0002	4/27/2020	Time and attendance	Written Warning
E-0002	5/13/2020	Time and attendance	Oral Reprimand
E-0002	5/14/2020	Time and attendance	Written Reprimand
E-0002	6/4/2020	Time and attendance	1 Day Suspension
E-0002	6/12/2020	Time and attendance	3 Day Suspension
E-0003	7/17/2017	Performance	Written Warning
E-0003	9/22/2017	Misconduct	Written Warning
E-0004	11/26/2017	Late for Work	Written Warning
E-0004	6/19/2019	Misconduct	Dismissed
E-0005	10/17/2017	Time and attendance	Written Warning
E-0006	10/1/2017	Time and attendance	Written Reprimand
E-0006	12/9/2017	Performance	Written Warning
E-0006	4/2/2018	Time and attendance	Written Warning
E-0006	5/2/2018	Time and attendance	Oral Reprimand
E-0006	6/29/2018	Time and attendance	Oral Reprimand
E-0006	6/20/2019	Time and attendance	Written Warning
E-0007	9/12/2017	Time and attendance	Written Reprimand
E-0007	2/26/2018	Time and attendance	3 Day Suspension
E-0007	1/12/2019	Time and attendance	Oral Reprimand
E-0007	10/12/2019	Time and attendance	Written Warning
E-0007	11/12/2021	Time and attendance	Oral Reprimand
E-0007	1/26/2022	Time and attendance	Oral Reprimand
E-0007	2/24/2022	Time and attendance	Written Reprimand
E-0008	8/30/2018	Misconduct	20 day Suspension
E-0008	10/23/2018	Time and attendance	Written Warning
E-0008	8/21/2020	Late for Work	Written Warning
E-0008	10/29/2020	Performance	Written Warning
E-0008	2/18/2021	Late for Work	Written Warning
E-0008	5/19/2021	Time and attendance	Written Warning
E-0008	6/24/2021	Performance	Written Warning
E-0008	1/23/2022	Insubordination	Written Reprimand
E-0009	10/13/2017	Insubordination	Written Warning
E-0009	10/18/2017	Insubordination	1 Day Suspension
E-0009	9/13/2018	Insubordination	5 Day Suspension
E-0009	1/1/2019	Time and attendance	Written Warning
E-0009	2/28/2019	Time and attendance	Written Reprimand
E-0009	5/2/2019	Insubordination	Dismissed
E-0009	5/12/2019	Insubordination	Dismissed
E-0009	6/3/2019	Performance	Oral Reprimand
E-0009	10/12/2019	Time and attendance	Written Warning
E-0010	2/22/2020	Late for Work	Written Warning
E-0011	5/12/2019	Time and attendance	Dismissed
E-0011	4/15/2021	Insubordination	Dismissed
E-0012	8/31/2019	Late for Work	Written Warning
E-0012	10/8/2019	Violation of SOP	Written Reprimand
E-0012	10/31/2019	Time and attendance	Written Warning
E-0012	6/15/2020	Time and attendance	Written Warning
E-0012	9/21/2020	Violation of SOP	Written Reprimand
E-0012	8/12/2021	Time and attendance	Written Warning
E-0012	8/12/2021	Unauthorized absence	Written Warning
E-0012	10/5/2021	Violation-Principles of Behavi	Written Warning
E-0013	12/14/2021	Time and attendance	Oral Reprimand
E-0013	6/8/2022	Violation of SOP	Termination
E-0014	8/29/2017	Performance	Written Warning
E-0014	4/1/2020	Misconduct	Termination
E-0015	10/15/2019	Insubordination	Oral Reprimand
E-0016	6/26/2020	Time and attendance	Written Warning
E-0016	1/19/2021	Time and attendance	Written Warning
E-0016	5/6/2021	Misconduct	1 Day Suspension
E-0016	6/2/2021	Time and attendance	Dismissed
E-0016	7/27/2021	Time and attendance	Written Warning
E-0016	4/3/2022	Time and attendance	1 Day Suspension
E-0016	4/23/2022	Insubordination	Oral Reprimand
E-0017	10/12/2020	Insubordination	Written Reprimand
E-0018	6/27/2018	Time and attendance	Written Warning
E-0018	12/23/2019	Performance	Written Warning
E-0019	6/27/2018	Time and attendance	Written Warning
E-0020	6/5/2018	Insubordination	Written Warning
E-0020	2/28/2019	Insubordination	Dismissed
E-0020	12/23/2021	Time and attendance	Oral Reprimand

E-0021	1/31/2018	Time and attendance	Written Warning
E-0021	7/3/2019	Violation-Internet/Email/MTS	Dismissed
E-0021	4/1/2022	Violation of SOP	1 Day Suspension
E-0022	4/23/2018	Time and attendance	Written Warning
E-0022	4/16/2021	Time and attendance	Written Warning
E-0022	5/26/2021	Insubordination	Written Reprimand
E-0022	10/26/2021	Insubordination	1 Day Suspension
E-0022	6/16/2022	Time and attendance	Oral Reprimand
E-0023	9/9/2021	Time and attendance	Written Warning
E-0023	11/8/2021	Unauthorized absence	Oral Reprimand
E-0024	1/24/2018	Performance	Written Reprimand
E-0024	6/27/2018	Time and attendance	Written Warning
E-0024	8/28/2018	Late for Work	Written Warning
E-0024	10/20/2018	Time and attendance	Oral Reprimand
E-0024	2/16/2019	Violation of SOP	Written Reprimand
E-0024	7/2/2019	Time and attendance	Written Warning
E-0024	7/2/2019	Late for Work	Written Warning
E-0024	7/18/2019	Violation of SOP	1 Day Suspension
E-0024	7/18/2019	Time and attendance	Written Reprimand
E-0024	7/25/2019	Time and attendance	Oral Reprimand
E-0024	8/15/2019	Performance	1 Day Suspension
E-0024	9/10/2019	Time and attendance	Written Reprimand
E-0024	11/21/2019	Misconduct	5 Day Suspension
E-0024	1/15/2020	Time and attendance	Oral Reprimand
E-0024	1/15/2020	Late for Work	Written Warning
E-0024	2/22/2020	Unauthorized absence	Written Reprimand
E-0024	2/22/2020	Time and attendance	Oral Reprimand
E-0024	4/15/2020	Misconduct	7 Day Suspension
E-0024	12/23/2020	Time and attendance	Written Warning
E-0024	2/17/2021	Time and attendance	Oral Reprimand
E-0024	4/26/2021	Time and attendance	Written Warning
E-0024	5/10/2021	Time and attendance	1 Day Suspension
E-0024	7/12/2021	Time and attendance	Written Reprimand
E-0024	12/9/2021	Time and attendance	Oral Reprimand
E-0024	1/5/2022	Time and attendance	Oral Reprimand
E-0024	4/9/2022	Time and attendance	Written Reprimand
E-0025	12/14/2021	Time and attendance	Oral Reprimand
E-0025	3/14/2022	Insubordination	Dismissed
E-0025	4/28/2022	Time and attendance	Oral Reprimand
E-0025	4/28/2022	Unauthorized absence	Oral Reprimand
E-0025	5/27/2022	Time and attendance	Oral Reprimand
E-0025	6/30/2022	Time and attendance	Written Reprimand
E-0026	10/23/2018	Time and attendance	Written Warning
E-0026	2/5/2019	Time and attendance	Written Warning
E-0026	3/25/2019	Misconduct	5 Day Suspension
E-0026	4/22/2019	Insubordination	Dismissed
E-0026	4/29/2019	Insubordination	3 Day Suspension
E-0026	5/13/2019	Insubordination	Dismissed
E-0026	5/14/2019	Insubordination	Dismissed
E-0026	7/9/2019	Insubordination	Oral Reprimand
E-0026	10/12/2019	Time and attendance	Written Warning
E-0026	10/20/2019	Insubordination	Dismissed
E-0026	11/10/2019	Insubordination	Dismissed
E-0026	1/1/2020	Time and attendance	Oral Reprimand
E-0026	1/17/2020	Time and attendance	Written Reprimand
E-0026	6/10/2020	Time and attendance	Written Reprimand
E-0026	8/10/2020	Misconduct	3 Day Suspension
E-0026	2/17/2021	Time and attendance	Written Warning
E-0026	2/23/2021	Time and attendance	Oral Reprimand
E-0026	3/8/2021	Time and attendance	Written Reprimand
E-0026	3/11/2021	Time and attendance	3 Day Suspension
E-0026	3/15/2021	Time and attendance	1 Day Suspension
E-0026	4/6/2021	Time and attendance	3 Day Suspension
E-0026	4/13/2021	Time and attendance	5 Day Suspension
E-0026	5/10/2021	Insubordination	1 Day Suspension
E-0026	5/10/2021	Time and attendance	Dismissed
E-0026	6/1/2021	Time and attendance	5 Day Suspension
E-0026	7/2/2021	Insubordination	Written Reprimand
E-0026	7/5/2021	Time and attendance	Dismissed
E-0026	1/5/2022	Time and attendance	Dismissed
E-0026	3/24/2022	Time and attendance	5 Day Suspension
E-0027	8/28/2017	Performance	Written Reprimand
E-0028	6/5/2018	Violation-Principles of Behavi	Written Warning
E-0029	1/31/2018	Time and attendance	Written Warning
E-0029	3/11/2018	Time and attendance	Oral Reprimand

This chart only covers the first 150 actions of the 3733 total actions. Nevertheless, the pattern seen in this sampling is consistent with the remaining actions reported.

When you hold all employees accountable for doing what they are supposed to do, it breeds trust among individuals and teams. It allows people to count on each other, whether that means meeting deadlines, fulfilling duties, or feeling comfortable enough to approach a coworker or manager for help.

Accountability in the workplace is all about setting and holding people to a common expectation by clearly defining the company's mission, values, and goals. Employee accountability means holding all levels of employees (including managers and the executive suite) responsible for accomplishing the agency goals.<sup>56</sup>

Accountability is vital to an organization. Failure to hold people accountable erodes morale—something that was identified as an issue at LMDC. When everyone from the top to the bottom is held accountable, it creates a healthy and positive work culture. It also breeds trust throughout the organization knowing that your fellow employee will be there as promised — again, an issue voiced by LMDC staff that so many employees call in sick or don't show up to work which erodes trust of one's fellow employees.

Accountability starts at the top of an organization by clearly articulating expectations and then ensuring that all levels of the organization embrace those expectations. It sometimes requires a paradigm shift along with strong leadership that supports subordinates when they do as asked and enforce the rules. Again, there were LMDC supervisors who stated that they or others were adverse to strictly enforcing the rules for fear of being sued.

LMDC leadership must reinforce that they will stand behind supervisors who enforce policy. Some employees stated they did not feel like the prior leadership would support them. Others stated disciplinary matters languished in the front office. The disciplinary process should be expedited. The current process should be assessed to streamline it where possible. The fact that “this is the way we've always done it” or “that's the way another Metro law enforcement agency does it” should be cast aside and replaced with an innovative and more expeditious process. Accountability will be reinforced in other employees seeing sure and swift disciplinary

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<sup>56</sup> <https://www.powerdms.com/policy-learning-center/why-is-accountability-important-in-the-workplace>; see also <https://www.linkedin.com/pulse/why-accountability-workplace-important->

action taken for misbehavior. The new LMDC leadership must reinvigorate a culture of pride, integrity, and trust to include adherence to time and attendance rules.

Moreover, additional leadership training should be mandated every time a person is promoted. These training sessions must include information on becoming a supervisor and the importance of accountability. This leadership training should also include reinforcement of the sexual harassment policy. Training staff stated they had just reinstated a training day or two for training newly promoted sergeants.

In summary, failure to hold employees accountable and demonstrate to others that there are true consequences for violating policy degrades morale and encourages misbehavior by others—and fosters a “why should I follow that policy when nobody else does.”

## **F. SEXUAL HARASSMENT**

Related to accountability, there seems to have developed a culture whereby sexual harassment is not seen as inappropriate. Review of cases involving sexual harassment and interviews revealed some egregious instances of behavior that are very troubling. Some of this behavior was rationalized as “friendly banter,” a way of decompressing from the stress of the job, or this is part of “how it is in law enforcement.” Although Director Collins (and others involved in the process) is to be lauded for updating the sexual harassment policy and mandating that every employee attend sexual harassment training over the past year, interviews suggest that a policy update and one-time training (described by many as a 30-minute PowerPoint presentation) is not sufficient and more will be needed to align behavior and attitudes with currently acceptable societal norms.

A review was conducted of six sexual harassment administrative complaints filed between 2018 to 2022. One of the cases involved three female officers being victimized by the same offender. These cases paint a troubling environment for female officers. The following is a summary of these cases:

**Case 2018-015** – Involved a sergeant (victim) and a lieutenant.

In 2018, a Lieutenant took and sent a sergeant three pictures of his genitalia while he was sitting at his desk at work. The sergeant who was married at the time was one of the lieutenant’s

direct reports. The two previously engaged in a relationship that included sex at the jail while they were working.

**Case 2019-030** – Involved three female victim officers and a sergeant. The three victims reported:

1. VICTIM 1 - The sergeant kissed the female officer on her neck, talking sexually with her, and tried to force her hands onto his private parts; forced her into a bathroom, kept kissing on her neck and was trying to unbutton her uniform despite telling him to stop.

2. VICTIM 2 - During her Field Officer Training period (training provided to a new recruit by a senior officer during initial phase of working in jail), the sergeant would talk about his penis, would forcibly try to make her touch his penis; he would stand over her “making his private area jump and move” and say that it was calling her name; she told him to stop; on an occasion he locked the control room door and “started groping my private area and butt; kissing on my neck and rubbing his private area on me.” She repeatedly told him to stop. The victim’s boyfriend who also worked at the jail texted the sergeant and told him to stop. Despite what the boyfriend and victim had asked, the sergeant then asked the female officer victim to go out of town with him and have a threesome with him. He would also flash money as a bribe. The sergeant also told the victim that no one would believe her if she reported his misconduct. He said he’d been there longer than her and they wouldn’t believe her.

3. VICTIM 3 – A female officer overheard three other female officers talking about the sergeant bribing them with money for sexual favors. The female officer reported this. The female officer also reported the sergeant tried to force her to perform oral sex on him and trapped her in the officer’s station kissing on her and trying to make her “rub or touch his penis.”

**Case 2020-011** – Involved a female officer (victim) and a male officer.

A female officer observed a male officer grabbing a female inmate at the Community Corrections Center. The female officer also observed him “cat call” the female inmate saying things such as “hey momma” or “hey baby.” The female officer told him that his actions made her (the female officer) uncomfortable. The male officer also touched the female officer inappropriately. She was heard by another officer say, “Don’t touch me like that.”

**Case 2021-011** - Female officer reported that her sergeant grabbed her hand, pulled her in close to him and kissed her on the forehead while in the sergeant's office.

**Case 2021 – 019** - Female officer was asked by another male officer “if he could get a lap dance” in front of inmates.

**Case 2022-010** – Female officer stated that a male officer came into the control room where she was working. He walked behind her and began rubbing her neck and then ran his hands through her hair. She told him not to touch her, to get away from her, and to get out of the control room. The victim immediately reported it to her lieutenant.

In addition to these cases, five civil actions filed against LMDC concerning sexual harassment were reviewed. The complaints from those cases are attached as exhibits.<sup>57</sup> These complaints depict rather egregious examples of harassment.

Moreover, numerous interviewees provided information about sexual harassment at LMDC. Some of the interviewees included former Director Clark and his executive staff as well as Director Collins and his staff. Below is a summary of the information provided concerning sexual harassment.

**DIRECTOR CLARK** – Sexual harassment has been an issue in the facility. Clark saw the development of intimate relationships between and among staff. When these relationships soured, one member of the relationship would claim sexual harassment. Sometimes, consensual sexual relationships are later claimed to be nonconsensual. Clark noted that there are officers who seem to be unable to keep their hands to themselves.

He noted that the past FOP president got into a relationship and then fell out. When she needed FOP help, the president stated, “You know what you need to do to get that help,” an insinuation of providing sexual favors. There was a settlement regarding an employee by the name of Emily Nichols which involved Tracy Dotson, the former FOP president.<sup>58</sup>

Clark also noted that the type of behavior now considered sexual harassment was prevalent and acceptable in the past. Now society is changing its viewpoint on this behavior. This tolerance for this type of behavior had been part of the Corrections culture. He said there

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<sup>57</sup> See Exhibit 3.

<sup>58</sup> *Id.*

needs to be additional training to include scenarios. He said that there has been some training, but the quality of the training needs to be better and conducted by specialists familiar with sexual harassment issues. He believes it would be beneficial for Metro Government to improve its sexual harassment policies and the way these complaints are handled. He believes there should be one department that handles all sexual harassment complaints staffed by trained investigators.

MARTIN BAKER – stated that sexual harassment is a problem at the facility. He cited an officer at the Training Academy as an example of this and noted other cases involving male staff members to include one staff corrections officer who pulled out his penis in front of a female. Other instances cited involved: a sergeant kissing a female employee on her forehead; another corrections officer asked that same female if she would do a lap dance on him; and another corrections officer is said to have rubbed this same female officer's shoulders.

ERIC TROUTMAN – He believes that one or two percent of the staff create problems. He stated that corrections officers have their own way of handling things. He said the older staff consider their comments to be banter and not sexual harassment. However, the younger staff doesn't understand banter. He acknowledged that sexual harassment is a problem in the jail facility. He noted that sexual harassment goes both ways as some females sexually harass males as well.

He thinks it's important that it be ingrained in new recruits at the academy that sexual harassment will not be tolerated.

Regarding the Training Academy, Troutman had moved an officer out of the Training Academy twice, but he was returned. He was removed because of issues related to character and sexual harassment. Putting him back in the Training Academy does not convey an appropriate image that Corrections should be setting for new recruits as well as existing personnel.

On one occasion, Troutman removed him because he was involved in a lawsuit alleging sexual harassment of an officer. Clark overturned that decision and put the officer back in the Training Academy without consulting Troutman. When Troutman confronted Clark about this, Clark responded, "Talk to the mayor's office."

On another occasion, a recruit complained that they were being picked on or bullied because of their nationality. Human Resource Director Wanice Tunstull observed the incident. Once again, the same officer was removed but then put back at the Training Academy. Troutman stated that there's a huge file of issues related to this officer.

STEVE DURHAM – Durham believes that the Training Academy should consist of persons other than merely corrections officers but consist of subject matter experts especially in topics such as sexual harassment and ethics. It was his opinion that additional training on sexual harassment needs to be established. He also recommended that this training be provided by someone other than corrections officers to include, perhaps, someone from Human Resources or a person with legal training.

He also noted that the training staff provides recruits with a window into the culture of corrections and that the training staff needs to inculcate recruits with the belief that corrections officers must act ethically and not participate in sexual harassment. He noted that sexual harassment seems to be part of the culture at LMDC. He believes part of this stems from the initial training and training staff at LMDC. He noted that LMDC has had numerous sexual harassment suits filed against it. He noted that recently a male corrections officer had been having sex with females while he was in uniform and on the job at LMDC.

He noted that there had been several instances where a current member of the training staff had been involved in numerous relationships with employees that bled over into the work environment. He noted that officer was accused of having a sexual relationship with a female sergeant whose husband was also a sergeant at LMDC. After the sexual relationship had stopped, the female employee claimed that the officer continued to harass her and push for continuing sexual relationships with her. At one point in time, she went to the officer seeking his help as the FOP president and he said that she knew what she needed to do to get his help implying that she needed to capitulate to his sexual overtures in order for him to provide the requested assistance.<sup>59</sup>

Director Clark and Durham attempted to move an officer out of training, but a Louisville Metro Council person called Director Clark and said they should not move him out of training because that might be perceived as retaliation. This was an example of what Durham considered political influence on the management decisions at LMDC. It was his belief that LMDC management should be able to execute important decisions especially as it relates to personnel without political influences on those decisions.

Durham again reiterated that the Training Division sets the culture of the institution at the outset of the employee's entry into LMDC. Those persons on the Training Staff should have

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<sup>59</sup> See Exhibit 3-D.

impeccable credentials and not be involved in sexually harassing employees and should convey the importance of ethical conduct and not participate in inappropriate things such as sexual harassment. Under the current system, that has not always been the case as illustrated by [REDACTED] involvement in the Training Department.

DIRECTOR COLLINS – Collins noted that sexual harassment is somewhat of the culture at LMDC. He intends to change this by adopting a new sexual harassment policy and providing training on it. In addition, he intends to hold all supervisors accountable for enforcing the policy and holding others accountable.

DR. LEYERDERMAN – Sexual harassment is an issue at LMDC. Once again, when that topic surfaced recently, there was a reactionary approach to develop a new sexual harassment policy and a sense of urgency to get that policy out. However, what experts in the field of sexual harassment were consulted during the development of this policy? The organization also lacks tracking ability and metrics on sexual harassment. There should be a mechanism in place for management to review data on the number of sexual harassment cases pending and in the past and see whether there is an evidence-based way to correct the sexual harassment issue. Once again, much of the reaction to this issue, like many issues within the jail, has been reactionary. She asked whether management has been able to discern whether the new policy has addressed the issue. Due to a lack of tracking, it is difficult to assess that.

Regarding sexual harassment, she stated that there needs to be an assessment of how to change the culture at Corrections. Changing a policy alone is not going to cause a change. There needs to be a data-based analysis of what is working and not working.

Another aspect of the sexual harassment cases is, “Who’s addressing how the people sexually harassed were treated in the process?” Were those persons’ concerns addressed? There should be persons in the process who can ask the person who was sexually harassed, “Tell me what you need.” Many of the decisions dealing with sexual harassment and the prevention of harassment are based upon what management thinks needs to be done whereas asking persons who have been the victims of sexual harassment could provide better insight into what would help prevent it and make reporting it easier and more acceptable. There tends to be a cynicism for the process if input from actual victims is not included in policies and procedures. Victims want to have a voice in what they think needs to be done to correct the culture.

She believes sexual harassment is embedded in the culture. Females are the predominant victim in sexual harassment matters. The overall way in which women are treated at the LMDC has an impact on sexual harassment. Are female employees spoken to in a demeaning manner or minimized? She believes there is an “air of let the real men handle the situation.” She believes there is a culture of letting women share their opinions, but the real men will handle the big problems. This mentality trickles down from the top to the bottom.

Again, she believes the new sexual harassment policy was a reactionary move and that it only treated the symptoms rather than peeling back the layers to find out what within the culture would give employees the impression that such behavior is condoned. As with the sexual harassment problem and other problems within the facility, there seems to be a fixation on bandaging the issue rather than getting to the core issue.

In terms of sexual harassment at LMDC, it is her sense that there is a culture of accepting a behavior and minimizing it as “friendly banter.” There also seems to be a general disrespect for females – almost an air of “women are less than men.” Corrections facilities such as LMDC need to consider the mandated uniforms that may not properly fit females. Also, accommodating schedules for females who are raising children would be helpful for not only recruitment but retention. There is a sense by some female employees that, “Women are the guests in the men’s house.”

WANICE TUNSTULL – With regard to sexual harassment matters, Metro Government does have a reporting process in addition to the process in place at Metro Corrections. Metro Government also has an ethics tip line, but Tunstull noted an instance where a female employee used the tip line thinking that the complaint would be held confidential, but the matter was referred to Metro Corrections Director Bolton which compromised the confidentiality of the employee’s complaint.

She believes that Director Collins takes this matter seriously. She noted that former employees [REDACTED] seemed to be involved with sexual harassment at the facility. She did not believe that former Deputy Director Baker pursued sexual harassment cases the way it should have been.

AMY HESS – FORMER CHIEF OF PUBLIC SAFETY - She believes that sexual harassment is an issue at the Corrections Department. She became aware of the issue when a corrections officer at the Training Academy was involved in a lawsuit. She recalls that an officer

was removed from his position at the Training Academy by former Maj. Ashby. Hess received a call from a Louisville Metro Council person asking why Ashby was still at the Training Academy which he oversaw and that there were tensions between this officer and Ashby.

This council person indicated that he believed the officer was unfairly treated and sent emails to her asking why Ashby is still at the Training Academy.

She did not have significant involvement in assessing sexual harassment at the jail facility or the development of a new policy. That was handled by Matt Golden with the assistance of the Louisville Metro Human Resources Department and the County Attorney's Office.

**MATT GOLDEN – FORMER CHIEF OF PUBLIC SAFETY** - It was his opinion that sexual harassment has been the culture at LMDC. Part of the sexual harassment problem is a lack of accountability. He sensed and observed a culture where there was a lack of accountability when it came to sexual harassment matters. He believed that a more robust policy and training had to be implemented along with a strong emphasis on holding persons accountable. He also believed that a process needed to be put in place to allow persons who felt they were victims of sexual harassment to file complaints.

Golden became aware of some troubling instances involving sexual harassment. He learned of female employees having their hair touched and compromising photos taken of females and used to blackmail them.

He worked with the County Attorney's Office to improve the sexual harassment policy and to provide training to all employees.

He also took steps to ensure that the Professional Standards Unit had the tools to investigate allegations of sexual harassment.

During his tenure as Public Safety director, he learned of a corrections officer at the Training Academy who has a very large personnel file. He previously was the head of the FOP and seemed to wield a lot of power. He was also the subject of several sexual harassment complaints.

**DANIEL JOHNSON – FOP PRESIDENT** - Johnson believes that the former administration didn't take sexual harassment seriously. He noted that there have been instances recently where lieutenants and sergeants have been having sex inside the facility and pictures taken of these events. He mentioned a sergeant [REDACTED] who had kissed an officer against

her will. Nevertheless, the victim was forced to work with this sergeant after this incident. There was also an incident on 6 East where a female officer was groped. This officer now works in corrections in Lexington. The officer responsible for this received three days' suspension. Johnson mentioned that a lieutenant who had put the two corrections officers together and stated that the two should work together until they could work things out. This statement was witnessed by Lt. Pennick and Moulder.

Another case Johnson mentioned involved a corrections officer named Michelle Sogan. Sogan has filed a complaint involving sexual harassment and since the filing of her lawsuit has been written up frequently and seems to never be able to do things well enough to the satisfaction of her supervisors. Johnson had told both Martin Baker and Director Clark that this was unacceptable. Johnson had stated to both Baker and Clark, "Put your spouse in her position of being kissed against her will, how would you feel about that?"

Johnson stated that greater emphasis on sexual harassment or the preventing of sexual harassment needs to be undertaken by LMDC.

TRACY DOTSON – FORMER FOP PRESIDENT - Concerning the recent sexual harassment training, Dotson stated that it was uncomfortable training. He noted the person from the County Attorney's Office was just there to read a PowerPoint and not conducive to interactions with the class. There was a glib question asked during Dotson's participation, "Do we have to send you an email if we have sex?"

Dotson agreed that sexual harassment is a problem at the LMDC. He noted that there is a lot of "friendly banter" among corrections officers that some may perceive as sexual harassment. He also stated that often female officers try to fit in as one of the guys.

Wanice Tunstull currently does the recruit harassment training at the academy.

A recent sexual harassment case that was prevalent in the local media was settled by the City for \$60,000. The media portrayed Dotson as being the reason the City paid that amount, but Dotson stated that the reason it was paid out was due to actions by the victim's lieutenant and not Dotson.<sup>60</sup>

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<sup>60</sup> See also, Emily Nichols v. Louisville Metro Department of Corrections, Jefferson Circuit Court, 19-CI-003542. Review of the court case file and interview with the plaintiff's attorney and information from the County Attorney's Office failed to confirm this statement.

CAPTAIN GENE LLAGUNO – TRAINING - Llaguno stated that sexual harassment is a problem in the jail facility. He recalled an incident when he was a sergeant where a male officer bent over to kiss a female officer who then filed a complaint.

Much of the sexual harassment emanates from “friendly banter” that officers push too far. “People are not taking cues to stop this behavior.” By this he meant that if an employee initiates some type of sexual banter and the recipient of that indicates that that is unwanted, the person initiating that should stop.

He also believes that the reporting system for sexual harassment matters needs to be revamped. Currently, the reporting process is up the chain of command. He stated that there needs to be a new emphasis that if a person is sexually harassed that the person must immediately report that behavior. Management then needs to take quick action to resolve the matter.

Currently, sexual harassment retraining is not a part of ongoing in-service training.

Human Resources Director Wanice Tunstull provides recruits with workplace harassment training during which she emphasizes the Metro Government policies. The training staff then provides training on the new LMDC Sexual Harassment Policy.

WILLIAM ASHBY – Former Major Ashby (Clark administration) stated that much of the culture at LMDC is sexually charged. In 2008, Martin Baker was fired for a physical altercation over a female lieutenant. He was later rehired. Ashby described Baker as “always arrogant.”

W117 – Has observed sexual harassment in the LMDC facility. She herself was the victim of sexual harassment when a corrections officer trapped her in a bathroom and tried to grope her. She reported this to the Human Resources Department. W117 acknowledged that she had been texting with this male employee but told him she did not want to have a relationship with him because he was married.

ASHLEY HARPER – TRAINING - Harper is a civilian employee assigned to the Training Academy. Regarding sexual harassment, HR Director Wanice teaches the recruit class. The recruits also must sign off on the new sexual harassment policy that was recently implemented. The sexual harassment training is one hour in length.

She noted that this is the first year ever that sexual harassment training has been mandated for all employees. Sexual harassment is not taught during in-service classes.

Recently, all employees were mandated to attend a 30-minute sexual harassment course. The major takeaway from that course for Harper was that they describe what you can't say to people. They went through "a list of can't do this or can't do that." There was no test at the end of the course, only PowerPoint slides.

Harper knows that sexual harassment has occurred in the jail facility and at the Training Academy. Over the years she has had recruits call her and tell her they were being sexually harassed. She also has had employees who graduated from the academy and developed a relationship with her who would call her once they were at the jail facility and describe being sexually harassed. Many of these employees were afraid to tell their supervisors. Harper suggested that if the victim of sexual harassment feels uncomfortable reporting it to her male supervisor there should be a system in place that the victim can talk to a female.

The reporting process for sexual harassment is that employees are told to follow the chain of command. Harper was unsure of what to do if they felt uncomfortable reporting sexual harassment to their supervisor.

In 2016, she had some former recruits stop by her office during in-service training and tell her about being sexually harassed. Many of those persons did not report the harassment. The female corrections officers also stated to her that they were sexually harassed by the inmate population. The sexual harassment pertained to their body parts and made the female employees feel bad about themselves.

SGT. WILLIAM JONES – TRAINING - He stated sexual harassment has been an issue at the jail facility. There seems to be an atmosphere of promiscuity. Recently, all employees received sexual harassment training from the County Attorney's Office. His takeaway was that sexual harassment will not be tolerated. He noted that recently a recruit who had just received sexual harassment training at the academy told a female recruit that the only way for a female to get promoted was "by sucking dick." The matter was reported, and the person removed from the class. The sexual harassment training provided by the County Attorney's Office was a 30-minute class. It did not include a test at the end.

THEODORE PERKINS – TRAINING - With regard to sexual harassment, he noted he has seen it when working in the jail facility. He stated that it's sometimes hard to differentiate between what is appropriate and what is not. Corrections officers use friendly banter as a way to de-stress. He noted that people now take things more seriously.

It was his opinion that the recent 30-minute sexual harassment training consisted of scare tactics. He again noted that friendly banter is used to deal with the stress of the job and to decompress. He also noted that most employees at the jail facility have alpha personalities.

EISHIAN RODRIGUEZ – TRAINING - When asked about sexual harassment training, Rodriguez seemed to minimize the importance of this. She stated that corrections officers often use sexual banter as a way to de-stress and build comradery. She did not indicate that the recent 30-minute sexual harassment training was that beneficial. She noted that recently a recruit was dismissed from the class for saying to a female that she could only get promoted at LMDC by “kissing ass or sucking dick.”

Rodriguez stated that she did not know the formal process for reporting sexual harassment or where it is in the policy manual. She did state that she would feel better if females could report sexual harassment to a female rather than a male supervisor.

JEFF TINDALL – OLDFHAM COUNTY JAILER - They have not had any sexual harassment complaints either by employees or inmates. All personnel are taught on the very first day of training that sexual harassment will not be tolerated. This is reinforced throughout their careers at the jail facility. They strictly abide by the PREA requirements.

All the above suggests that there has been a culture that accepts behavior that is completely inappropriate and toxic for female employees. As with so many of the findings and observation of this investigation, there are many exceptional employees trying to do a good job. However, the lack of accountability and tolerance for egregious behavior, many times quite flagrant, requires a major paradigm shift and cultural change at LMDC. This will require the Director and his executive staff to firmly state and back up by action that sexual harassment will not be tolerated. The newly revised sexual harassment policy and a onetime mandatory 30-minute training is simply a start.

## **G. CONTRABAND AND SECURITY**

The section in this report captioned “Deaths” includes charts showing the non-death incidents (use of Narcan) that have occurred at LMDC. Obviously, these incidents clearly show that contraband is getting into the jail facility, onto the floors, and to the inmates. Contraband issues are closely related to good security protocols that are followed and enforced. Specific reasons for contraband getting into LMDC have been discussed throughout this report such as:

- Antiquated facility that precludes direct supervision – the modern model for corrections facilities
- Insufficient staffing
- Lapses in following required security protocols
- Lack of accountability
- Need for additional mandated training

Director Collins has committed to addressing these many issues and has taken steps in his short tenure to correct the deficiencies. Metro Council has substantially increased his budget to address some of the problems. Yet there are other steps that need to be implemented.

For instance, there are areas of the building where there is not adequate camera coverage. Currently, there are no cameras in the stairway from the reception area up to the administrative area. Someone overpowering or neutralizing the front desk staff could access the stairway and progress to the administrative area and take hostages or worse.

Moreover, there needs to be strict enforcement of a one entry point into the facility. At this entry point, the K-9 Unit should be positioned frequently at random times at the reception area in an effort to detect narcotics coming into the facility.

In an idyllic world, it might be possible to trust those we know or with whom we work on a frequent basis, but everyone should be subject scrutiny and screening coming into the facility. Although most in law enforcement are professionals and abide by the law and policy, the news media has reported many instances from across the country where corrections officers (and other law enforcement personnel) have violated the law and the trust placed in them by society and their fellow law enforcement officers. Those officers have been the source of drugs and other

contraband in jail facilities.<sup>61</sup> As recently as April 8, 2023, a corrections officer in nearby Kenton County, Kentucky was fired and arrested for dealing drugs to inmates.<sup>62</sup>

Therefore, it would be naïve to believe that the same couldn't occur at LMDC. Accordingly, it is imperative that procedures be put in place to properly screen all persons coming into the jail facility—all visitors, vendors, maintenance workers, and employees including corrections officers. These procedures must be strictly followed and periodically tested to ensure compliance.

All visitors to the jail facility should enter and exit through the main door. A K-9 officer should be stationed at this entry point at random, but frequent intervals, whereby the canines are placed appropriately to detect drugs.

During several visits to the jail facilities, corrections officers were observed exiting side doors to go outside to smoke cigarettes and then return into the building through those same side

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<sup>61</sup> **NYC – FBI Case**

<https://gothamist.com/news/seventh-rikers-officer-charged-with-smuggling-drugs-into-jails>; *continued next page.*

<https://nypost.com/2022/09/20/2-nyc-correction-officers-admit-to-smuggling-in-drugs-for-bribes/>

**Washington DC Jail**

<https://dcist.com/story/22/09/26/dc-jail-corrections-officer-smuggling/>

**Georgia Prison**

<https://www.corrections1.com/contraband/articles/ex-corrections-officer-sentenced-for-smuggling-drugs-into-ga-prison-BwIEwT0nttCtxyhp/>

**Chatham County Jail Officer – Fentanyl – in cup - Savannah, Georgia**

<https://www.wtoc.com/video/2023/01/12/correctional-officer-charged-with-smuggling-drugs-into-chatham-co-jail/>

**Maricopa County, AZ - Fentanyl**

<https://www.usnews.com/news/best-states/arizona/articles/2023-01-11/maricopa-county-detention-officer-accused-of-smuggling-drugs>

**Columbia, SC – Drugs, wire cutters, cellphones (20)**

<https://www.corrections1.com/contraband/articles/3-cos-arrested-after-trying-to-smuggle-drugs-wire-cutters-and-phones-7S0U9kw7NjTY5KUP/>

**Chief Charged with Drug Distribution**<https://www.foxnews.com/us/pennsylvania-police-chief-charged-aiding-abetting-distribution-cocaine-meth>**Corrections Officer Accused of Helping Inmate Escape**  
<https://www.nbcnews.com/news/us-news/vicky-white-ex-corrections-officer-accused-helping-alabama-inmate-esca-rcna28133>

<sup>62</sup> <https://www.wlwt.com/article/kenton-county-detention-deputy-accused-of-dealing-drugs/43545044#>

doors. This opens the possibility of a person passing contraband to the officer while standing on the sidewalk or walking to their vehicle to obtain contraband; and then that contraband being brought into the jail.<sup>63</sup> This was observed even after a strict one-entry point policy was said to have been implemented.

Although some employees or visitors might be offended by these requirements, in a facility that has recorded the number of overdose deaths and overdoses that LMDC has, it would be extremely prudent to implement strict policies concerning entry into the facilities and rigorous enforcement of those policies. Relationships that can develop in a facility like LMDC can create an impetus to do what one might not expect from an employee. There were at least two instances mentioned during interviews where a corrections officer had intimate relations with an incarcerated inmate, or one recently released. This type of relationship could make an officer susceptible to being enticed into or extorted to bring drugs into the jail. Additionally, financial hardships can lead people to engage in behavior that one would not expect.

Again, evidence in court records and the media clearly establishes that employees can be a source of contraband getting into a facility despite management and employees' thoughts to the contrary.

Additionally, all staff, including Wellpath employees, must be subject to random drug screenings. Medical staff are not immune from the temptations of using drugs, sharing drugs, or financial hardships that might tempt one into bringing drugs in for financial gain.

Interviews with inmates disclosed that the work aides have been used to distribute drugs in the jail. They stated that inmates themselves or their friends or family members set up funding accounts using readily available apps and transfer money to the work aides or others helping to get drugs in and distribute same.

The inmates also described a process by which they share drugs in the facility. Some persons who are in a detox program are given Subutex or Suboxone; however, when these drugs are provided to the inmates, they don't swallow the liquid and instead put it on a cotton ball and bring it back to the jail cell where it is shared with other inmates. Sometimes these cotton balls are passed around by work aides. Staff providing these drugs to inmates need to carefully watch

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<sup>63</sup> Although some may argue that this possibility is eliminated by cameras on the exterior, the reality is the number of cameras a control officer is required to watch makes this much more than a possibility. The cameras may also not record a discrete or covert passing of contraband.

the administration of the drugs and implement protocol to ensure the drugs are swallowed before the inmates return to their cells.

In addition, the LMDC K-9s should continue to be used randomly throughout the facility to include corridors where work aides are working. Random and frequent searches of the cells and dorms should be increased until the contraband and overdose issues are brought under control.

Regarding security in general, numerous employees stated that enforcement of basic security protocols had waned over the years. Capt. Llaguno, now in charge of training, related that during his tenure as security specialist while conducting in-cell inspections, he uncovered three instances where inmates had removed the mortar from bricks and had removed the bricks in their jail cell. The bricks were occluded from observation because of pictures hung on the wall (a violation of jail regulations) or magazines stacked up to occlude observation (also a violation of jail regulations). On one occasion, an inmate had removed a brick and replaced it with toilet paper which was made to look like a brick. On three other instances, he found inmates had started to chip away at the mortar. Llaguno stated these examples highlight the need to do in-cell inspections. These incidents should have been detected by floor security officers.

Llaguno also stated that there were instances when he determined that the locks on cell doors were not functioning properly. In many instances, this was due to inmates stuffing toilet paper or other products into the locking mechanism preventing it from fully locking a door.

Llaguno stated that these security breaches should have been discovered by floor officers but that floor officers and sometimes their sergeants had become lackadaisical which was fostered by and exacerbated by the hands-off approach during 2019 and 2020 due to COVID. Once again, despite the training that recruits were provided about security protocols and existing officers having been trained in the past, both new officers and old officers got into the mentality during COVID and post-COVID to not do basic corrections security work or “Corrections 101.” Not going into the cells on a regular basis is an extremely bad habit.

Although new recruits graduating from the academy during COVID were trained at the academy on the importance of checking inside of cells and interacting with inmates, this “basic corrections security protocol” ceased during COVID. During COVID, officers would not go into dorms or engage with inmates one on one. This was a directive from executive management. Not only did the new recruits not perform the necessary security measures which they were

trained at the academy to do but all corrections officers stopped doing in-cell inspections, hands on with the inmates and in-person communications with the inmates. Llaguno believes that this mindset has continued post-COVID and is attributable to some of the problems currently at the jail facility.

Llaguno believes that many of the problems happening at the jail such as overdoses and suicides could be curtailed if officers went back to “Corrections 101” and basic security protocol. For this to happen, there needs to be leadership from above emphasizing the importance of basic security measures and holding officers and their supervisors accountable when this does not occur.

Even pre-COVID, Llaguno saw that there was less of an emphasis on the basic security protocol and floor officers became reliant upon the security specialists to discover potential security issues. It used to be that a floor sergeant would “grab corrections officers to do in-cell inspections.” Oftentimes, this was done at the beginning of the shifts.

Llaguno stated that “security is the number one” priority in a jail facility. He stated that adherence to “basic security” will take care of everything else. When he was a lieutenant, he strictly enforced the rules pertaining to jail and dorm rooms such as no tents covering inmates. This is an important rule to prevent inmates from hiding behind these tents and doing things that are prohibited to include the use of contraband. Again, these basic security measures would also preclude or deter inmates from trying to remove bricks in jail cells. Recently, Llaguno has implemented training for new sergeants at the Training Academy during which he emphasizes the importance of basic security measures and the need for sergeants to hold their subordinates accountable for failure to conduct basic security measures.

Safety Officer, Sgt. Tim Myers, echoed many of Capt. Llaguno’s comments. He stated that he has seen a reduction in the enforcement of rules and regulations compared to how it used to be. Now it seems that sergeants are afraid to say something to their subordinates for fear that they may be looked upon poorly. They have a fear of being a supervisor. Inmates see this and sense this. On many occasions, there are things that corrections officers should handle themselves, but they want their sergeant to “be their wingman” rather than be their supervisor. It seems to be a culture that has developed in LMDC.

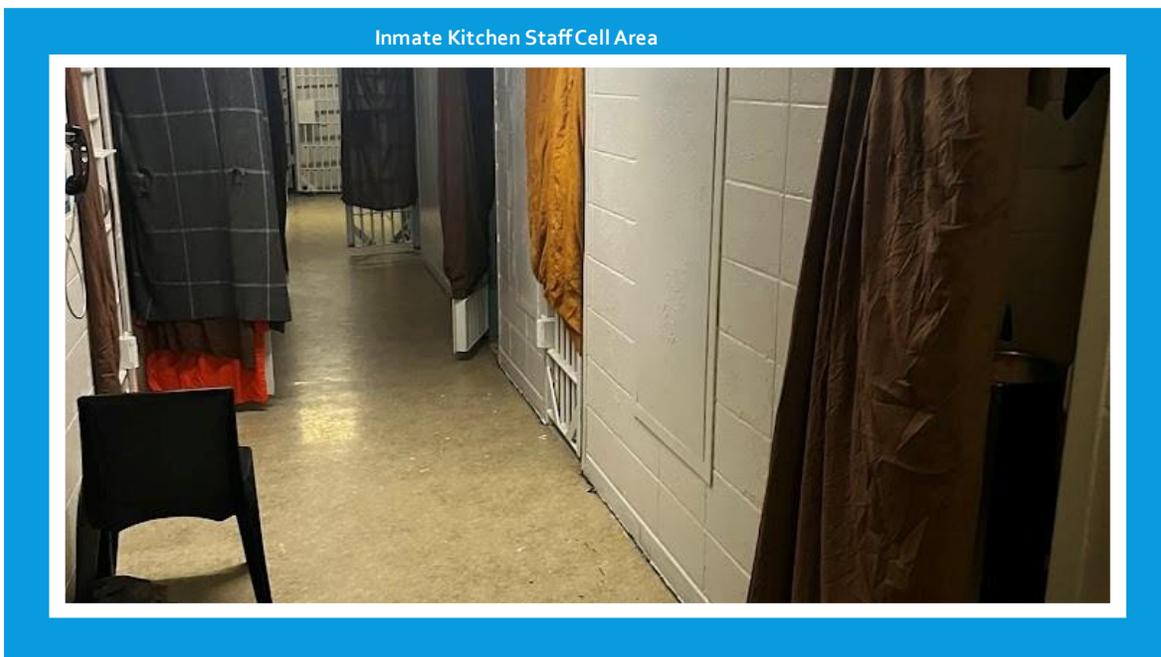
As Safety Officer, Sgt. Myers would walk throughout the jail facilities looking for safety issues such as electrical outlets in need of repair, fire extinguishers and smoke detectors not

working, and locks on cells that might not be functioning. Often Myers would accompany Capt. Llaguno when he was a safety officer.

During some of these inspections, they would observe cell doors tampered with by inmates who would stuff toilet paper in the latching mechanism preventing the doors from closing. They determined that officers would oftentimes not physically check the doors and inmates would be able to get out of the cells to engage in fights with staff or other inmates. This was observed two different times during this investigation.

Sgt. Myers said that failure to do these checks was a breach of critical duties of being a corrections officer and that is, “officer awareness.” Many officers are simply not doing their job in the way they are supposed to. Myers and Llaguno would check all doors on every floor to ensure they were locked and working properly.

Sgt. Myers also noted that inmates assigned to the kitchen who have their own quarters immediately adjacent to the kitchen oftentimes place blankets over their cell doors. This was observed by one of the Department of Corrections jail inspectors, but nothing seemed to be done under the prior management. It was the mindset of “out of sight, out of mind.” This was also observed during investigation while touring the jail facilities.



Covering cell doors like depicted in the picture above presents a security and safety risk as it prevents officers from easily looking into a cell to ensure inmates are not harming themselves or doing anything that might be detrimental to jail security. This also inculcates inmates with the impression they can do what they want, which can permeate the entire jail.

During a visit to the Oldham County jail which has not had any drug overdoses in over 20 years, all jail rules are strictly enforced. One of the rules requires inmates to always wear their issued jumpsuits including the top. Those seen violating this rule are reminded that failure to do so will result in the entire dorm losing privileges such as the use of the television.

The Oldham County jail also requires all inmates to be in their bunks at a certain time every night. Failure to do so results in loss of dorm privileges. The jail has developed a procedure that if a control room officer watching security cameras in a dorm observes a violation of rules these two rules, the officer will turn the lights in the dorm off and on quickly from the control room as reminder of the rules. This was demonstrated when the Jailer was showing a control during a visit, and he noticed an inmate not wearing his jumpsuit top—the control room officer flashed the lights and the inmate immediately put his top back on.

The Jailer said that enforcing these seemingly small rules creates a culture that misbehavior will not be tolerated which in turn reduces larger problems. During this visit, there seemed to be greater discipline, attention to detail, and less boisterous behavior than observed at LMDC. This might be due to insufficient staffing at LMDC to enforce rules more strictly, overcrowding, or a culture that permits disruptive behavior.

Director Collins stated that he is committed to ensuring security staff enforce the rules and perform the required security checks and other protocol. He stated he is also committed to reinforcing this philosophy with supervisory staff who are expected to ensure their personnel are all committed to improving security measures. Additional remedial training should be required of any officer found lacking in the essential skill.

It was also learned that in years past there were mock hostage and breach of security drills. In one of these drills, a role player was able to subdue the officers in the reception area and successfully progress up the stairs going to the administrative officers. Consideration should be given to reinstating these drills to assess security vulnerabilities.

Regarding security, the LMDC reception area is open to the public 24 hours a day. Anyone can walk into the lobby to include someone intent on harming persons inside or trying to

facilitate an escape. This is a significant security deficiency. In contrast, all doors to the Community Correction Center were locked 24 hours a day with an electronic magnetic lock. Anyone wanting entry had to be “buzzed in” by the door guard. Similarly, all employees at the Oldham County Detention Center are behind security doors and glass and visitors must be “buzzed in” using electronic doors locks. There have been instances across the country where armed personnel have walked into police facilities and shot law enforcement personnel. This occurred in the Washington, D.C. police headquarters on November 22, 1994. Two FBI agents and a police detective were killed when a gunman walked in the unlocked building and opened fire with a compact assault weapon in a squad room on the third floor.<sup>64</sup> Nationwide all FBI offices have bulletproof glass reception windows and electronic magnetic locks. In fact, most modern, progressive, and safety conscious law enforcement agencies limit direct access into their facilities. At a minimum, LMDC should install magnetic locks on its reception entry doors.

Finally, it is important to highlight the great work of many LMDC staff members who are working diligently to limit contraband getting into the LMDC facilities. Director Collins has emphasized the importance of searching prisoners coming into the jail. He has also begun tracking the contraband found on prisoners. The statistics he provided underscore the importance of hands-on searches coupled with the use of technology. The statistics also show the extent to which LMDC officers have prevented an extensive amount of contraband coming into the institution which have tremendously exacerbated the overdose and death issues facing LMDC.<sup>65</sup>

The spreadsheet on the following pages shows the vast amount of contraband found on prisoners in the past year.

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<sup>64</sup> <https://www.washingtonpost.com/archive/politics/1994/11/23/four-slain-at-dc-police-headquarters/8cf691d2-bfd5-44df-bbd5-668829d8bf54/>

<sup>65</sup> These statistics also suggests that police departments may need to train their officers to be more thorough when searching prisoners before they are placed in a patrol car and transported to LMDC.

<b>Date</b>	<b>Incident #</b>	<b>Incident Type</b>	<b>Contraband Type</b>	<b>Initially Found By Body Scanner</b>	<b>Floor</b>	<b>Search Type</b>	<b>Found On Inmate</b>
4/1/2022	119009	SORT Operation	Lighter	No	Multiple	Area	Yes
4/1/2022	119024	Added Charges	Meth,Xanax,Cocaine	No	Booking	Grill	Yes
4/3/2022	119077	Added Charges	Marijuana	No	Booking	Strip	No
4/3/2022	119083	Contraband - Possession of Smoking/Tobacco Products	Wick	No	J3	None	No
4/4/2022	119090	Strip Search	Cigarettes	Yes	Booking	Strip	Yes
4/7/2022	119176	Added Charges	(57)Oxycpills / Lighter	No	J4	Strip	Yes
4/8/2022	119179	Contraband - Possession Controlled Substance	Meth	No	Booking	Dress Out	Yes
4/11/2022	119238	Added Charges	Marijuana	No	Booking	Grill	Yes
4/11/2022	119247	Added Charges	Spice/Meth	Yes	Booking	Strip	Yes
4/12/2022	119259	Added Charges	Meth/Pipe/Syringe	Yes	Booking	Strip	Yes
4/13/2022	119273	Added Charges	Cocaine	No	Booking	Grill	Yes
4/14/2022	119297	Contraband - Possession of Flammable/Explosive	Lighter	No	Booking	Grill	Yes
4/14/2022	119295	Added Charges	Meth/Heroin	Yes	Booking	Grill	Yes
4/14/2022	119303	Added Charges	(84)Oxyc Pills	Yes	Booking	Strip	Yes
4/16/2022	119355	Added Charges	Battery/Metal	No	H6	Area	Yes

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4/17/2022	119372	Added Charges	Lighter/Cigarettes	Yes	Booking	Strip	Yes
4/18/2022	119396	Contraband - Possession of Smoking/Tobacco Products	Lighter/Cigarettes	Yes	Booking	Strip	Yes
4/18/2022	119399	Contraband - Possession of Deadly Weapon	Jail Made Weapon	No	H6	None	No
4/19/2022	119414	Added Charges	Drugs	Yes	Booking	Grill	Yes
4/21/2022	119446	Added Charges	Fentanyl	No	Booking	Grill	Yes
4/21/2022	119447	Added Charges	Marijuana	No	Booking	Grill	No
4/21/2022	119448	Added Charges	Tabacco	No	Booking	Grill	Yes
4/21/2022	119453	Added Charges	Cigarettes	No	Booking	Grill	Yes
4/22/2022	119464	Added Charges	Meth	No	Booking	Grill	Yes
4/23/2022	119478	Contraband - Possession of Smoking/Tobacco Products	Tobbaco	No	J4	None	Yes
4/23/2022	119484	Contraband - Possession of Flammable/Explosive	Wicks	No	J4	Area	No
4/23/2022	119491	Contraband - Possession Ammunition/Firearm	(1) 9mm round	No	Booking	Grill	Yes
4/23/2022	119493	Contraband - Possession of Smoking/Tobacco Products	Cigarette	Yes	J2	Strip	Yes

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4/24/2022	119508	Added Charges	Marijuana	No	Booking	Grill	Yes
4/25/2022	119524	Contraband - Possession Controlled Substance	White Substance	No	J3	Area	No
4/25/2022	119533	Added Charges	Meth	No	Booking	Strip	Yes
4/26/2022	119555	Contraband - Possession of Deadly Weapon	Razor Blade	No	J4	None	Yes
4/30/2022	119652	Added Charges	Marijuana	No	Booking	Grill	Yes
5/1/2022	119659	Contraband - Possession of Smoking/Tobacco Products	Marijuana	No	Booking	Grill	Yes
5/1/2022	119666	Contraband - Possession of Deadly Weapon	Jail Made Weapon	No	H5	None	No
5/2/2022	119677	Added Charges	Marijuana/Pipe	No	Booking	Grill	Yes
5/3/2022	119709	Contraband - Possession Ammunition/Firearm	(1) .380 round	No	Booking	Grill	Yes
5/3/2022	119712	Contraband - Possession of Drug Paraphernalia	Empty Syringe	No	Booking	Grill	Yes
5/4/2022	119724	Added Charges	Marijuana	No	Booking	Grill	No
5/6/2022	119761	Added Charges	Meth	No	Booking	Grill	Yes
5/8/2022	119787	Added Charges	Meth	No	Booking	Grill	Yes
5/10/2022	119833	Added Charges	Syringes/pills	No	Booking	Grill	No

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5/11/2022	119858	Contraband - Possession of Deadly Weapon	Jail Made Weapon	No	H6	Pat	Yes
5/13/2022	119889	Added Charges	Crack Cocain	No	Booking	Pat	Yes
5/17/2022	119959	Contraband - Possession Ammunition/Firearm	(1) 9mm round	No	Booking	Grill	Yes
5/17/2022	119981	Added Charges	Syring/Money	No	Passive	Pat	Yes
5/17/2022	119991	Added Charges	Tobacco	Yes	Booking	Strip	Yes
5/18/2022	120001	Contraband - Possession of Smoking/Tobacco Products	Wick	No	J4	Strip	No
5/19/2022	120024	Contraband - Possession Controlled Substance	Substance	Yes	J2	Strip	Yes
5/20/2022	120035	Added Charges	Marijuana	Yes	Booking	Grill	Yes
5/20/2022	120037	Contraband - Possession Ammunition/Firearm	(2) 9mm rounds	No	Booking	Grill	No
5/20/2022	120048	Added Charges	Marijuana	No	Booking	Grill	No
5/22/2022	120078	Contraband - Possession Ammunition/Firearm	(1) 9mm round	No	Booking	Grill	Yes
5/25/2022	120121	Added Charges	Cocaine/Meth	Yes	Booking	Strip	Yes
5/26/2022	120166	Added Charges	Meth	No	Booking	Pat	Yes

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5/28/2022	120197	Added Charges	Syringe/Herion	No	Booking	Grill	Yes
5/29/2022	120215	Contraband - Possession of Drug Paraphernalia	Pipe(Crack)	No	Booking	Grill	Yes
6/1/2022	120260	Added Charges	Herion	No	Booking	Pat	Yes
6/1/2022	120274	Added Charges	Suboxone	No	Booking	Grill	Yes
6/1/2022	120276	Added Charges	Knife/Syringe	No	Booking	Grill	Yes
6/2/2022	120319	Added Charges	Syringe/Herion	No	Booking	Grill	Yes
6/4/2022	120350	Contraband - Possession of Drug Paraphernalia	Suboxone/ Marijuana	No	H6	Strip	Yes
6/5/2022	120377	Contraband - Possession Controlled Substance	White Powder	No	J2	Pat	Yes
6/6/2022	120405	Added Charges	Spice	No	Booking	Grill	Yes
6/9/2022	120480	Contraband - Possession Controlled Substance	Heroin	No	J4	None	No
6/10/2022	120507	Contraband - Possession Controlled Substance	Crystal Substance	Yes	Booking	Strip	Yes
6/10/2022	120510	Added Charges	Herion/Fentanyl	No	J2	Pat	Yes

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6/11/2022	120528	Contraband - Possession Controlled Substance	Meth	No	Booking	Grill	Yes
6/12/2022	120548	Added Charges	Pipe(Crack)	No	Booking	Pat	Yes
6/12/2022	120552	Added Charges	Crack Cocain	No	Booking	Grill	Yes
6/13/2022	120570	Contraband - Possession Controlled Substance	Marijuana	No	Booking	Grill	Yes
6/13/2022	120596	Added Charges	Pipe(Meth)	No	Booking	Grill	Yes
6/14/2022	120628	Added Charges	Suboxone	No	J3	Strip	Yes
6/14/2022	120634	Added Charges	Marijuana/Pills	No	Booking	Strip	Yes
6/14/2022	120639	Contraband - Possession of Drug Paraphernalia	Crystal Sub/Hooch	No	J2	Area	No
6/15/2022	120662	Added Charges	Marijuana/Lighter	No	Booking	Pat	Yes
6/17/2022	120690	Added Charges	Meth	No	Booking	Grill	Yes
6/17/2022	120691	Added Charges	Meth/Herion	No	Booking	Strip	Yes
6/18/2022	120732	Added Charges	Marijuana	No	Booking	Strip	Yes
6/19/2022	120746	Contraband - Possession Controlled Substance	Suboxone	No	J3	Property	No

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6/19/2022	120759	Contraband - Possession of Smoking/Tobacco Products	Unknown Sub	No	J4	Pat	Yes
6/20/2022	120762	Contraband - Possession Controlled Substance	Cocaine	No	Booking	Grill	Yes
6/20/2022	120770	Added Charges	White Powder	No	Booking	Grill	Yes
6/20/2022	120776	Added Charges	Fentanyl	No	J2	Pat	Yes
6/21/2022	120808	Contraband - Possession of Smoking/Tobacco Products	Loose Tobacco	No	J3	Pat	Yes
6/21/2022	120835	Added Charges	Herion	No	Booking	Pat	Yes
6/21/2022	120836	Added Charges	Bath Salts	No	Booking	Pat	Yes
6/22/2022	120837	Contraband - Possession Ammunition/Firearm	(2) 40cal Rounds	No	Booking	Grill	Yes
6/22/2022	120844	Contraband - Possession Controlled Substance	Powdered Sub	No	Booking	Area	No
6/22/2022	120857	Contraband - Possession of Drug Paraphernalia	Glass Pipe	No	Booking	Grill	Yes
6/23/2022	120864	Added Charges	Meth	No	Booking	Grill	Yes

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6/23/2022	120874	Contraband - Possession Ammunition/Firearm	(3) Bullets	No	Booking	Grill	No
6/23/2022	120879	Added Charges	Pills	No	Booking	Pat	Yes
6/28/2022	120998	Added Charges	Cell Phone/Drugs	No	Booking	Strip	Yes
6/28/2022	121009	Added Charges	Fentanyl/Suboxone	Yes	J4	Pat/K9	Yes
6/30/2022	121052	Contraband - Possession of Unauthorized Clothing	Ring	Yes	Booking	Grill	Yes
7/1/2022	121076	Added Charges	Heroin	No	Booking	Strip	Yes
7/1/2022	121085	Added Charges	Loose Tobacco, Lighter	No	J2	Pat	Yes
7/1/2022	121103	Added Charges	Marijuana	No	Booking	Grill	Yes
7/2/2022	121119	Added Charges	Gray Powder	Yes	Booking	Grill	Yes
7/7/2022	121275	Added Charges	Marijuana	Yes	Booking	Strip	Yes
7/8/2022	121304	Added Charges	Meth	No	Booking	Grill	Yes
7/8/2022	121317	Added Charges	Suboxone/powder	No	J2	Strip	Yes
7/8/2022	121297	Contraband - Possession of Drug Paraphernalia	Tin used w/residue	No	Booking	Grill	Yes
7/9/2022	121346	Added Charges	Suboxone	No	Booking	Grill	Yes

<b>Date</b>	<b>Incident #</b>	<b>Incident Type</b>	<b>Contraband Type</b>	<b>Initially Found By Body Scanner</b>	<b>Floor</b>	<b>Search Type</b>	<b>Found On Inmate</b>
7/9/2022	121330	Contraband - Possession Controlled Substance	White Powder	No	Booking	Area	No
7/10/2022	121359	Added Charges	Marijuana	No	J2	Strip	Yes
7/11/2022	121374	Added Charges	Fentanyl	No	J2	Area	Yes
7/11/2022	121392	Contraband - Possession Ammunition/Firearm	9mm Blazer Round	No	Booking	Grill	Yes
7/11/2022	121379	Contraband - Possession of Drug Paraphernalia	Suboxone	No	J3	Mail	No
7/13/2022	121448	Added Charges	Meth	No	Booking	Grill	Yes
7/14/2022	121485	Added Charges	Crystal Substance	No	Booking	Grill	Yes
7/15/2022	121512	Added Charges	White Powder	No	Booking	Grill	Yes
7/16/2022	121541	Contraband - Possession of Deadly Weapon	Metal Weapon	No	J4	Area	No
7/17/2022	121551	Contraband - Possession of Drug Paraphernalia	Baggies w/residue	No	Booking	Grill	Yes
7/18/2022	121599	Added Charges	Brown Powder	No	Booking	Grill	Yes
7/18/2022	121610	Contraband - Possession Ammunition/Firearm	Unknown	No	Booking	Grill	Yes

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7/18/2022	121584	Contraband - Possession of Drug Paraphernalia	Syringes (4)	No	Booking	Grill	Yes
7/20/2022	121640	Added Charges	30 Red Pills	No	Booking	Grill	Yes
7/20/2022	121655	Added Charges	Spice	No	Booking	Grill	Yes
7/22/2022	121719	Added Charges	Meth	No	Booking	Area	No
7/24/2022	121770	Added Charges	Heroin	No	J2	Strip	Yes
7/24/2022	121784	Contraband - Possession Controlled Substance	Unknown	No	Booking	Grill	?
7/26/2022	121866	Added Charges	Meth	No	Booking	Grill	Yes
7/26/2022	121870	Added Charges	Meth	No	Booking	Strip	Yes
7/28/2022	121952	Added Charges	Meth	No	Booking	Grill	Yes
7/29/2022	122002	Added Charges	Meth/Crystal Sub	No	J3	Area	No
7/29/2022	121982	Contraband - Possession of Drug Paraphernalia	Syringes	No	Booking	Grill	Yes
7/31/2022	122041	Added Charges	Fentanyl	No	Rear Sec	Pat	Yes
8/1/2022	122080	Added Charges	Meth	No	Booking	Grill	Yes
8/1/2022	122081	Contraband - Possession of Deadly Weapon	Shank	No	H5	Area	No

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8/4/2022	122154	Added Charges	Pills	No	Booking	Pat	Yes
8/4/2022	122174	Added Charges	Pills/Fentanyl	No	Booking	Pat	Yes
8/4/2022	122172	Contraband - Possession Ammunition/Firearm	.22 cal	Yes	Booking	Pat	Yes
8/5/2022	122197	Added Charges	Pills/White Powder	No	J2	Strip	Yes
8/7/2022	122252	Contraband - Possession Ammunition/Firearm	.40 caliber round	No	Booking	Grill	No
8/7/2022	122270	Contraband - Possession of Smoking/Tobacco Products	Jail made Cigarette	No	Kitchen	Area	No
8/8/2022	122274	Added Charges	Pills	No	J2	Area/Strip	No
8/10/2022	122347	Added Charges	Marijuana	No	Booking	Pat	Yes
8/10/2022	122329	Contraband - Possession Ammunition/Firearm	380 round	No	booking	Pat	Yes
8/10/2022	122325	Contraband - Possession of Deadly Weapon	Piece of Metal	No	H5	Area	No
8/11/2022	122358	Contraband - Possession Ammunition/Firearm	9mm round	No	Booking	Pat	Yes
8/16/2022	122471	Contraband - Possession Controlled Substance	Suboxone	No	J3	Strip	Yes

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8/17/2022	122480	Added Charges	Marijuana	No	Booking	Pat	Yes
8/17/2022	122506	Added Charges	26 Pills	Yes	Booking	Grill	Yes
8/17/2022	122515	Contraband - Possession of Drug Paraphernalia	Baggies w/residue	No	Booking	Grill	Yes
8/18/2022	122543	Added Charges	Meth	No	Booking	Grill	Yes
8/19/2022	122562	Added Charges	White Powder	No	Booking	Strip	Yes
8/19/2022	122576	Added Charges	Tobacco/Lighter	Yes	Booking	Strip	Yes
8/20/2022	122585	Contraband - Possession of Deadly Weapon	2 Shanks	No	H6	Area	No
8/22/2022	122630	Added Charges	Tobacco/Fentanyl	No	J4	Area	Yes
8/23/2022	122676	Added Charges	Cocaine/Heroin	No	Booking	Grill	Yes
8/24/2022	122726	Added Charges	Marijuana/Vape	No	J3	Strip	Yes
8/24/2022	122727	Added Charges	Marijuana	No	Booking	Grill	Yes
8/25/2022	122739	Contraband - Possession of Smoking/Tobacco Products	Tobacco/Lighter	No	Booking	Strip	No
8/25/2022	122753	Added Charges	Marijuana	No	J3	Area	No
8/26/2022	122801	Added Charges	Marijuana	No	Booking	Grill	Yes
8/29/2022	122865	Contraband - Possession Ammunition/Firearm	1 Bullet	No	Booking	Grill	No

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8/30/2022	122903	Added Charges	Marijuana/Fentanyl/Spice	No	Booking	Area	Yes
8/30/2022	122913	added Charges	Zanax/Pills	No	Booking	Grill	Yes
8/30/2022	122915	Added Charges	Suboxone	No	Booking	Grill	No
8/30/2022	122906	Contraband - Possession Controlled Substance	2 Pills	No	Booking	Grill	No
9/1/2022	122952	Added Charges	Suboxone	No	J4	Area	No
9/2/2022	122997	Contraband - Possession of Flammable/Explosive	Lighter	No	Booking	Grill	Yes
9/2/2022	122972	Added Charges	Meth/Pills	Yes	Booking	Grill	Yes
9/2/2022	122976	Added Charges	Meth	Yes	Booking	Grill	Yes
9/2/2022	122978	Added Charges	Meth	No	Booking	Grill	Yes
9/2/2022	122987	Added Charges	Suboxone/Pills	No	J4	Area	No
9/3/2022	123002	Added Charges	Cocaine	No	Booking	Grill	No
9/3/2022	123023	Added Charges	Powder Substance	No	J3	Strip	No
9/3/2022	123008	Contraband - Possession of Drug Paraphernalia	Rolled Fake Money	No	J3	Area	No
9/4/2022	123025	Added Charges	Meth	No	Booking	Grill	Yes
9/5/2022	123052	Added Charges	Meth	Yes	J3	Area	Yes

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9/5/2022	123055	Added Charges	Marijuana	No	Booking	Grill	Yes
9/6/2022	123062	Contraband - Possession Controlled Substance	Marijuana	No	Booking	Grill	No
9/6/2022	123069	Added Charges	Suboxone	No	Booking	Strip	Yes
9/7/2022	123107	Added Charges	Meth	Yes	Booking	Grill	Yes
9/7/2022	123110	Added Charges	Tobacco	No	Booking	Strip	Yes
9/8/2022	123122	Contraband - Possession Controlled Substance	Fentanyl	No	Outside	Area	No
9/8/2022	123157	Contraband - Possession Controlled Substance	Unknown Sub	No	J2	Area	No
9/9/2022	123175	Added Charges	Black Tar Heroin	No	Booking	Grill	Yes
9/11/2022	123222	Added Charges	Fentanyl/Suboxone	No	J4	Area	No
9/14/2022	123301	Added Charges	White Powder	No	Booking	Grill	No
9/14/2022	123304	Added Charges	Fentanyl	No	J3	Area	No
9/15/2022	123315	Contraband - Possession Controlled Substance	Suboxone/Pills	Yes	Booking	Grill	Yes
9/15/2022	123335	Added Charges	Pills	No	Booking	Strip	Yes
9/16/2022	123392	Added Charges	Marijuana	No	J4	Area	No

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9/16/2022	123389	Added Charges	Lighter	Yes	Booking	Strip	Yes
9/17/2022	123401	Contraband - Possession of Drug Paraphernalia	Piece of Paper	No	J3	No	No
9/18/2022	123437	Added Charges	White Powder	No	J2	Area	No
9/18/2022	123438	Contraband - Possession of Deadly Weapon	Razor	No	J2	Area	Yes
9/19/2022	123446	Added Charges	Meth	No	Booking	Grill	Yes
9/20/2022	123476	Added Charges	Pills	No	Booking	Grill	Yes
9/20/2022	123479	Added Charges	Marijuana	No	Booking	Grill	Yes
9/20/2022	123487	Added Charges	Pink Powder	No	J3	Area	Yes
9/22/2022	123535	Added Charges	Pills	No	Booking	Grill	No
9/22/2022	123536	Added Charges	Pills	No	Booking	Grill	Yes
9/24/2022	123582	Contraband - Possession of Deadly Weapon	Shanks	No	H5	Area	No
9/25/2022	123621	Contraband - Possession of Drug Paraphernalia	Crack Pipe	No	Booking	Grill	Yes
9/26/2022	123650	Added Charges	Cocaine/Suboxone	No	Booking	Strip	Yes
9/27/2022	123685	Added Charges	Tobacco	No	J3	Strip	Yes
9/27/2022	123712	Added Charges	Tobacco	Yes	Booking	Strip	Yes

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9/28/2022	123742	Contraband - Possession Ammunition/Firearm	.22 round x16	No	Booking	Grill	Yes
9/29/2022	123752	Added Charges	Yellow Powder	No	J3	Area	Yes
9/29/2022	123761	Contraband - Possession of Drug Paraphernalia	spice	No	J3	Area	No
9/30/2022	123809	Added Charges	2 Seroquel	No	J3	Area	No
9/30/2022	123814	Added Charges	Meth	No	J4	Area	No
10/1/2022	123846	Contraband - Possession of Deadly Weapon	Razor	No	J3	Area	No
10/4/2022	123919	Contraband - Possession Ammunition/Firearm	.22 round x1	No	Booking	Grill	No
10/6/2022	123953	Added Charges	Xanax/Meth	No	Booking	Grill	Yes
10/6/2022	123955	Added Charges	Heroin	Yes	Booking	Strip	Yes
10/6/2022	123968	Added Charges	Cocaine/Pipe	No	Booking	Grill	Yes
10/7/2022	123995	Added Charges	Heroin	Yes	Booking	Strip	Yes
10/8/2022	124042	General Incident	Meth	No	J2	Area	No
10/8/2022	124043	Added Charges	Meth	No	J2	Pat	Yes
10/8/2022	124037	Added Charges	Pills (oxycodone)	No	Booking	Grill	Yes
10/11/2022	124124	Added Charges	Meth	No	Booking	Grill	Yes

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10/11/2022	124130	Contraband - Possession of Smoking/Tobacco Products	Tobacco/Batteries	No	J3	Area	No
10/12/2022	124154	Added Charges	Lighter/Cigarettes	No	Booking	Grill	Yes
10/12/2022	124155	Contraband - Possession of Drug Paraphernalia	Syringe/Glass Pipe	No	Booking	Grill	Yes
10/13/2022	123170	Added Charges	Marijuana/Meth	Yes	Booking	Strip	Yes
10/13/2022	124191	Added Charges	2 Oxy Pills/Meth	No	Booking	Pat	Yes
10/13/2022	124199	Added Charges	Heroin	No	Booking	Pat	Yes
10/14/2022	124218	Added Charges	Suboxone/LSD	No	Booking	Pat	Yes
10/14/2022	124221	Contraband - Possession of Drug Paraphernalia	Pills	No	Booking	Pat	Yes
10/18/2022	124313	Contraband - Possession Controlled Substance	Suboxone	No	J4	Area	No
10/19/2022	124345	Added Charges	Tobacco	Yes	Booking	Strip	Yes
10/20/2022	124363	Contraband - Possession Controlled Substance	Xanax	No	Booking	Pat	Yes
10/20/2022	124383	Contraband - Possession of Drug Paraphernalia	Syringe	No	Booking	Pat	Yes

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10/21/2022	124399	Added Charges	Suboxone/Meth	Yes	Booking	Strip	Yes
10/22/2022	124445	Added Charges	Spice	No	Booking	Pat	Yes
10/22/2022	124430	Added Charges	Meth	No	Booking	Pat	Yes
10/22/2022	124437	Added Charges	Fentanyl/Meth	No	J3	Area	Yes
10/23/2022	124460	Contraband - Possession Controlled Substance	Unknown sub	No	H5	Area	No
10/23/2022	124462	Added Charges	20 Ecstasy	No	Booking	Grill	Yes
10/23/2022	124459	Added Charges	Fentanyl	No	Booking	Pat	Yes
10/25/2022	124531	Added Charges	Marijuana/Meth	No	Booking	Grill	Yes
10/25/2022	124518	Added Charges	Meth	No	Booking	Strip	Yes
10/26/2022	124558	Added Charges	Meth	No	Booking	Strip	Yes
10/26/2022	124566	Added Charges	Suboxone/Razor	No	J3	Pat	Yes
10/28/2022	124638	Added Charges	Fentanyl/Suboxone	No	J3	Area	No
10/28/2022	124653	Added Charges	Fentanyl/Meth	Yes	J3	Strip	Yes
10/28/2022	124651	SORT Operation	Xanax/Razor	No	J4	Area	No
10/29/2022	124671	Added Charges	Syringe	No	J2	Strip	Yes
11/1/2022	124748	Added Charges	Fentanyl	No	Booking	Pat	Yes
11/3/2022	124814	Added Charges	Meth	No	J3	Strip	Yes

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11/3/2022	124836	Contraband - Possession of Drug Paraphernalia	Drugs in pill bottle	No	Booking	Grill	No
11/3/2022	124837	Contraband - Possession Ammunition/Firearm	1 .22 cal round	No	Booking	Grill	No
11/4/2022	124868	Added Charges	Sort Opertation	No	J4	Area/Strip	Yes
11/4/2022	124864	contrband- Possession making of an intoxicant	Pills	No	Booking	Strip	Yes
11/5/2022	124911	Added Charges	Marijuana	No	Booking	Grill	Yes
11/5/2022	124914	Contraband - Possession of Smoking/Tobacco Products	Tobacco	No	J3	Area/Strip	Yes
11/6/2022	124923	Added Charges	money/pill/tobacco/fen	Yes	J3	Strip	Yes
11/6/2022	124938	Added Charges	meth	No	Rear Sec	Pat	yes
11/6/2022	124930	Contraband - Possession of Drug Paraphernalia	pills	No	J2	Area	Yes
11/7/2022	124955	Added Charges	Heroin	No	J2	Strip	Yes
11/9/202	125034	Added Charges	Cocaine/Razor Blade	No	Booking	Pat	Yes
11/9/2022	125044	Added Charges	Cigar	Yes	Booking	Strip	Yes

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11/9/2022	125039	Added Charges	Suboxone/Spice	No	J3	Area	Yes
11/10/2022	125086	Added Charges	Zanax/Money	No	Booking	Strip	Yes
11/10/2022	125071	Added Charges	Marijuana	No	Booking	Grill	Yes
11/10/2022	125081	Contraband - Possession Ammunition/Firearm	.9mm X2 Rounds	No	Booking	Grill	Yes
11/10/2022	125090	Added Charges	Cocaine/Marijuana	No	Booking	Pat	Yes
11/11/2022	125091	Contraband - Possession Controlled Substance	marijuana	No	Booking	Grill	Yes
11/11/2022	125096	Added Charges	marijuana	No	Booking	Grill	No
11/11/2022	125093	Added Charges	marijuana	No	Booking	Grill	No
11/11/2022	125115	Added Charges	meth	No	Booking	Pat	Yes
11/11/2022	125116	SORT Operation	Marijuana/Heroin	No	J4	Area	No
11/11/2022	125117	Contraband - Possession of Drug Paraphernalia	Risperidone	No	J3	Strip	Yes
11/14/2022	125161	Added Charges	Spice	No	Booking	Strip	No
11/14/2022	125163	Added Charges	meth	No	Booking	Pat	Yes
11/14/2022	125165	Contraband - Possession Controlled Substance	Suboxone/Note	No	J2	No	No

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11/16/2022	125212	Added Charges	Heroin	No	J3	Strip	Yes
11/17/2022	125251	Added Charges	Heroin/Meth	No	Booking	Strip	Yes
11/18/2022	125276	Contraband - Possession of Deadly Weapon	Shank	No	H5	Area	No
11/18/2022	125286	Contraband - Possession of Deadly Weapon	Razor Blade	No	J3	Area/Strip	No
11/18/2022	125291	Contraband - Possession of Deadly Weapon	Razor Blade	No	J3	Area/Strip	No
11/18/2022	125280	Contraband - Possession Controlled Substance	Meth	No	Booking	Area	No
11/18/2022	125285	Added Charges	Meth/Fen/Sub	No	Booking	Area	Yes
11/18/2022	125288	Added Charges	Suboxone	No	Booking	Grill	Yes
11/20/2022	125320	Added Charges	Cocaine	No	Booking	Grill	Yes
11/21/2022	125338	Added Charges	Cocaine	No	Booking	Strip	Yes
11/22/2022	125369	Added Charges	Meth	No	Booking	Strip	Yes
11/23/2022	125416	Added Charges	Meth	No	Booking	Strip	Yes
11/23/2022	125423	Contraband - Possession Controlled Substance	Suboxone	No	J3	None	No
11/24/2022	125463	Added Charges	Fentanyl	No	Booking	Strip	Yes
11/24/2022	125465	Added Charges	Meth	No	Booking	Grill	No
11/25/2022	125483	Added Charges	Marijuana	No	Booking	Strip	Yes

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11/26/2022	125520	Added Charges	Fentanyl/Suboxone	No	Booking	Strip	Yes
11/28/2022	125573	Added Charges	Meth	No	Booking	Strip	No
11/29/2022	125590	SORT Operation	Cell Phone/Charger	No	J4	Area	No
11/30/2022	125629	Contraband - Possession Controlled Substance	Zanax	No	Booking	None	Yes
12/2/2022	125672	Added Charges	Cigaretts/Cigar	No	Booking	Strip	Yes
12/5/2022	125750	Added Charges	meth	No	Booking	Grill	No
12/6/2022	125792	Contraband - Possession Controlled Substance	Suspected Drugs	No	J2	Area	No
12/7/2022	125828	Added Charges	Meth	No	Booking	Grill	No
12/7/2022	125830	Added Charges	Meth	No	Kitchen	Area	No
12/7/2022	125831	Added Charges	Marijuana/Money	Yes	Booking	Strip	Yes
12/7/2022	125833	Added Charges	Heroin	No	Booking	Strip	Yes
12/7/2022	125834	Added Charges	Meth	No	Booking	Grill	No
12/8/2022	125844	Added Charges	Heroin	No	Booking	Grill	Yes
12/10/2022	125922	Added Charges	Meth	No	Booking	Grill	No
12/11/2022	125951	Added Charges	Meth/Razor	No	Booking	Grill	Yes
12/11/2022	125959	Added Charges	Fentanyl	No	Booking	Grill	No

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12/12/2022	125977	Added Charges	Meth	Yes	Booking	Strip	Yes
12/14/2022	126043	Added Charges	Suboxone	No	Booking	Grill	No
12/14/2022	126044	Added Charges	Cocaine/Razor Blade	No	Booking	Grill	No
12/14/2022	126057	Contraband - Possession Controlled Substance	Meth	No	Booking	None	Yes
12/15/2022	126062	SORT Operation	Meth/Suboxone	No	J3	Area	No
12/15/2022	126070	Contraband - Possession Controlled Substance	Suboxone	No	J3	Pat	Yes
12/15/2022	126077	Added Charges	Heroin	Yes	Booking	Strip	Yes
12/17/2022	126134	Contraband - Possession Controlled Substance	Suboxone	No	Booking	Grill	No
12/18/2022	126148	Added Charges	Lighter	Yes	Booking	Pat	Yes
12/17/2022	126145	Added Charges	Suboxone	No	Booking	Area	No
12/18/2022	126168	Added Charges	Meth/Cocaine/Mariju	No	Booking	Pat	Yes
12/19/2022	126172	Added Charges	Marijuana	No	Booking	Pat	Yes
12/20/2022	126201	Contraband - Possession of Drug Paraphernalia	Pipe	No	Booking	Pat	Yes
12/20/2022	126217	Added Charges	Meth	No	Booking	Pat	No

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12/20/2022	126220	Contraband - Possession Controlled Substance	Heroin	No	J3	Area	No
12/22/2022	126276	Added Charges	Pipe	No	Booking	Pat	Yes
12/22/2022	126287	Added Charges	Cigaretts/Meth	No	Booking	Pat	Yes
12/23/2022	126313	Added Charges	Suboxone/Tobacco	No	J4	Pat	Yes
12/25/2022	126331	Added Charges	Pills/Cocaine	No	Booking	Strip	Yes
12/26/2022	126360	Added Charges	2 Pipes	No	Booking	Pat	Yes
12/26/2022	126344	Contraband - Possession of Deadly Weapon	Shank	No	J3	Area	No
12/26/2022	126345	Contraband - Possession of Deadly Weapon	2 Razor Blades	No	J3	Area	No
12/28/2022	126410	Added Charges	Fentanyl	No	Hosp	None	Yes
12/28/2022	126413	Added Charges	Meth	Yes	Booking	Strip	Yes
12/28/2022	126408	Contraband - Possession of Drug Paraphernalia	Pills	No	H5	Area	No
12/28/2022	126400	Contraband - Possession Controlled Substance	Meth/Shank	No	J3	Area	No
12/29/2022	126430	Contraband - Possession Controlled Substance	Canabis	No	Booking	Grill	Yes
12/30/2022	126450	Added Charges	Meth	No	Booking	Grill	No

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12/31/2022	126481	Added Charges	Pipe	Yes	Booking	Strip	Yes
12/31/2022	126486	Added Charges	1 9mm Round/Tobacco	Yes	Booking	Strip	Yes
12/31/2022	126487	Added Charges	Meth	No	Booking	Pat	Yes
12/31/2022	126475	Contraband - Possession Controlled Substance	Heroin	No	J3	Area	No
1/1/2023	126514	Added Charges	Heroin	No	Booking	Pat	No
1/2/2023	126524	Added Charges	Cocaine	No	Booking	Pat	Yes
1/2/2023	126527	Added Charges	Marijuana/Meth	No	Booking	Pat	No
1/2/2023	126547	Added Charges	Meth	Yes	Booking	Strip	Yes
1/4/2023	126589	Added Charges	Ecstasy	No	J3	Strip	Yes
1/6/2023	126668	Added Charges	Marijuana/Meth/Coca	Yes	Booking	Strip	Yes
1/6/2023	126659	Added Charges	2 Cigars/Lighter	No	Booking	Pat	Yes
1/6/2023	126660	Added Charges	Meth	No	Booking	Pat	Yes
1/7/2023	126679	Added Charges	Lighter/Tobacco	Yes	Booking	Strip	Yes
1/8/2023	126715	Added Charges	Suboxone/Meth	Yes	Booking	Strip	Yes
1/9/2023	126727	Added Charges	Marijuana	No	Booking	Pat	Yes
1/9/2023	126747	Contraband - Possession Controlled Substance	Suboxone	No	Booking	Pat	No

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1/10/2023	126775	Added Charges	Cocaine	No	Booking	Strip	Yes
1/11/2023	126819	Added Charges	Ecstasy x40	Yes	Booking	Strip	Yes
1/11/2023	126826	Added Charges	Suboxone/Heroin	No	J4	Area	Yes
1/12/2023	126866	Added Charges	Cocaine	No	Booking	Strip	Yes
1/13/2023	126897	Added Charges	Cocaine	No	Booking	Area	No
1/13/2023	126878	Contraband - Possession of Drug Paraphernalia	Crack Pipe	No	Booking	Pat	Yes
1/14/2023	126937	Added Charges	Meth/Lighter	No	J3	Strip	Yes
1/15/2023	126957	Added Charges	Money/Meth/Pills	No	J2	Strip	Yes
1/16/2023	126978	Added Charges	Pills	No	Booking	Strip	Yes
1/16/2023	126983	Added Charges	Meth/Cocaine/Fent	No	Booking	Strip	yes
1/17/2023	127007	Added Charges	Meth	No	Booking	Area	No
1/17/2023	127012	Added Charges	Marijuana/Xanax	No	Booking	Pat	Yes
1/18/2023	127061	Added Charges	Heroin	No	Booking	Strip	Yes
1/18/2023	127065	Added Charges	Heroin	No	Booking	Pat	Yes
1/19/2023	127083	Contraband - Possession of Smoking/Tobacco Products	Jail Made Wick	No	J3	None	Yes
1/19/2023	127106	Added Charges	Cocaine	No	Booking	Grill	No

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1/20/2023	127133	Added Charges	Cigaretts	No	Booking	Strip	Yes
1/20/2023	127138	Added Charges	Meth/Pipe	No	Booking	Pat	Yes
1/21/2023	127181	Added Charges	Ecstasy	No	Booking	Pat	Yes
1/21/2023	127171	Contraband - Possession Controlled Substance	Fentanyl	No	J2	Area	No
1/22/2023	127190	Added Charges	Heroin	No	J2	Strip	Yes
1/22/2023	127203	Added Charges	Marijuana/Pipe	No	Booking	Grill	No
1/22/2023	127198	Added Charges	Lighter/Tobacco/Pills	No	Booking	Pat	Yes
1/22/2023	127189	Contraband - Possession Controlled Substance	2 Unknown Pills	No	J2	Area	No
1/23/2023	127238	Added Charges	Fentanyl	No	Booking	Strip	Yes
1/23/2023	127240	Contraband - Possession Ammunition/Firearm	5 .22 cal rounds	No	Booking	Grill	No
1/23/2023	127216	Added Charges	Fentanyl	No	Booking	Grill	No
1/23/2023	127223	Contraband - Possession of Drug Paraphernalia	Marijuana	No	Booking	Grill	No
1/24/2023	127247	Added Charges	Meth/Heroin/Money	No	J2	Strip	Yes
1/24/2023	127252	Added Charges	Heroin	No	Booking	Strip	Yes

<b>Date</b>	<b>Incident #</b>	<b>Incident Type</b>	<b>Contraband Type</b>	<b>Initially Found By Body Scanner</b>	<b>Floor</b>	<b>Search Type</b>	<b>Found On Inmate</b>
1/24/2023	127259	Added Charges	Marijuana/Money	Yes	Booking	Strip	Yes
1/25/2023	127278	Contraband - Possession Ammunition/Firearm	1 9mm round	No	Booking	Grill	Yes
1/25/2023	127280	Contraband - Possession Controlled Substance	Meth	No	Booking	Pat	Yes
1/26/2023	127308	Added Charges	Suboxone/Pills	No	Booking	Grill	No
1/26/2023	127317	Added Charges	Meth	Yes	Booking	Strip	Yes
1/26/2023	127332	Added Charges	Suboxone/Meth	No	Booking	Strip	Yes
1/26/2023	127331	Contraband - Possession of Smoking/Tobacco Products	Wicks	No	H6	Area	No
1/27/2023	127348	Added Charges	5 pills	No	Booking	Grill	No
1/27/2023	127363	Contraband- Possesion Making of an Intoxicant	Alcohol Wipes	No	J2	None	No
1/27/2023	127372	Contraband - Possession of Drug Paraphernalia	Tobacco	No	J3	Strip	Yes
1/28/2023	127399	Contraband - Possession Controlled Substance	Meth	No	H6	Area	No
1/30/2023	127419	Added Charges	Meth	No	Booking	Pat	Yes

<b>Date</b>	<b>Incident #</b>	<b>Incident Type</b>	<b>Contraband Type</b>	<b>Initially Found By Body Scanner</b>	<b>Floor</b>	<b>Search Type</b>	<b>Found On Inmate</b>
1/30/2023	127433	Added Charges	Suboxone	No	Booking	Pat	Yes
1/30/2023	127437	Contraband - Possession Controlled Substance	Marijuana	No	Booking	Grill	No
1/31/2023	127452	Contraband - Possession of Drug Paraphernalia	Glass Pipe	No	Booking	Grill	No
2/1/2023	127483	Added Charges	Fentanyl	No	J3	Strip	Yes
2/2/2023	127515	Added Charges	LSD	No	Booking	Strip	Yes
2/2/2023	127514	Added Charges	Lighter/Tobacco	No	J3	Strip	Yes
2/2/2023	127550	Added Charges	Black Tar Heroin	No	Booking	Strip	Yes
2/3/2023	127583	Added Charges	Suboxone/Meth	No	Booking	Strip	Yes
2/4/2023	127598	Contraband - Possession Controlled Substance	Marijuana	No	Booking	Grill	Yes
2/5/2023	127624	Added Charges	Ecstasy	No	Booking	Grill	No
2/5/2023	127627	Added Charges	Meth	No	Booking	Pat	Yes
2/6/2023	127659	Added Charges	Suboxone	No	J4	Area	No
2/6/2023	127658	Contraband - Possession of Smoking/Tobacco Products	Marijuana/Tabacco	No	Booking	Grill	No
2/8/2023	127710	Added Charges	Heroin	No	J2	Pat	Yes

<b>Date</b>	<b>Incident #</b>	<b>Incident Type</b>	<b>Contraband Type</b>	<b>Initially Found By Body Scanner</b>	<b>Floor</b>	<b>Search Type</b>	<b>Found On Inmate</b>
2/7/2023	127690	Contraband - Possession of Deadly Weapon	Shank	No	J4	Area	No
2/8/2023	127729	Contraband - Possession Making of an Intoxicant	Hooch	No	Rear Sec	Area	No
2/8/2023	127708	Contraband - Possession of Drug Paraphernalia	Syringe	No	Booking	Grill	No
2/9/2023	127767	Added Charges	Fentanyl	Yes	J2	Strip	Yes
2/10/2023	127791	Contraband - Possession Controlled Substance	Marijuana	No	Booking	Pat	Yes
2/10/2023	127804	Contraband - Possession of Smoking/Tobacco Products	Cigaretts/Lighter	Yes	Booking	Pat	Yes
2/10/2023	127820	Added Charges	Meth	No	Booking	Strip	Yes
2/10/2023	127822	Added Charges	Heroin	Yes	Booking	Strip	Yes
2/11/2023	127839	Added Charges	Meth	No	Booking	Pat	Yes
2/11/2023	127857	Added Charges	Heroin	No	Booking	Pat	Yes
2/12/2023	127878	Added Charges	Meth	Yes	Booking	Strip	Yes
2/13/2023	127899	Added Charges	Unknown Substance	No	Outside	Pat	Yes
2/15/2023	127976	Contraband - Possession Controlled Substance	Money/White Powder	No	Booking	Pat	Yes

<b>Date</b>	<b>Incident #</b>	<b>Incident Type</b>	<b>Contraband Type</b>	<b>Initially Found By Body Scanner</b>	<b>Floor</b>	<b>Search Type</b>	<b>Found On Inmate</b>
2/16/2023	128004	Added Charges	Lighter/Tobacco	Yes	Booking	Strip	Yes
2/16/2023	128023	Added Charges	Heroin	No	Booking	Strip	No
2/16/2023	128031	Added Charges	Meth	No	Booking	Strip	Yes
2/18/2023	128068	Added Charges	Marijuana	No	Booking	Pat	Yes
2/19/2023	128102	Contraband - Possession Ammunition/Firearm	4 9mm Rounds	No	Booking	Pat	No
2/21/2023	128169	Contraband - Possession Controlled Substance	Suboxone	No	J3	Area	No
2/21/2023	128171	Contraband - Possession Controlled Substance	Spice	No	Booking	Pat	Yes
2/21/2023	128175	Contraband - Possession of Drug Paraphernalia	Glass Pipe	No	Booking	Strip	Yes
2/22/2023	128186	Added Charges	Meth	No	Booking	Pat	Yes

<b>Date</b>	<b>Incident #</b>	<b>Incident Type</b>	<b>Contraband Type</b>	<b>Initially Found By Body Scanner</b>	<b>Floor</b>	<b>Search Type</b>	<b>Found On Inmate</b>

**Total:                      426                      Number of Added Charges:                      283                      BodyScanner found:                      55**

## H. POLICIES

A review of LMDC policies revealed many policies have not been reviewed or updated for almost ten years. In our fast-paced technology driven society along with ever evolving best practices principles, what was considered appropriate and acceptable even five years ago may be inconsistent with legal decisions, statutory changes, or manufacturers recommendations on proper use of equipment such as restraint or compliance devices. The International Association of Chiefs of Police (IACP) recommends that policies be reviewed annually.<sup>66</sup> Failure to review so many policies in almost ten years certainly is not a best practice.

The following chart illustrates the extent to which policies have not been reviewed. It also shows the number of policies that have been sent forward for review or approval but are still “out for review.”

Date of Last Review	Number of Policies	Out for Review	Significant Topics
2014	40	6	Release dates; Vine; Security
2015	1	0	Armory
2016	8	0	HIP; Transgender
2017	91	12	Inmate counts; key control
2018	7	2	Inmate Healthcare; contraband
2019	17	1	Sexual abuse; inmate rights
2020	3	1	Body camera
2021	2	0	Releases; warrants
2022	19	0	Absenteeism; social media
2023	8	0	Discipline

Like so many issues at LMDC, the lack of sufficient staffing is a major contributing factor. Until recently, there was one person, Sgt. Tim Dearing, responsible for reviewing, updating, and writing policies. Unfortunately, Sgt. Dearing has also been responsible for responding to open records requests from the public as well as the County and Commonwealth

<sup>66</sup> <https://www.theiacp.org/sites/default/files/2018-08/BP-PolicyProcedures.pdf>

Attorneys' offices. This process requires him to compile the records, consult with affected personnel and County and Commonwealth Attorneys' offices about records to be released to ensure the release will not adversely impact any civil or criminal cases involving the records, and then he must redact the records in accordance with Kentucky's Open Records law before they are released.

The volume of open records requests over the years and the process for responding to the statutorily mandated response times has been overwhelming and consumed virtually all the policy reviewers time to the exclusion of other duties related to policy matters. Sgt. Dearinger stated that there were times, especially under the prior administration, where he had no time to work on policies. Sgt. Dearinger personally repeatedly sought help under the prior administration. At one point, he told the previous Assistant Director that "it has been almost 3 years since I've had a vacation, I need help." After pleading for help "for a long time," they finally provided him with some help.

He also noted that another hinderance to timely review and revision of polices was that often new policies or revisions were sent to the Assistant Director for review and approval, but the document "frequently sat in his (the Assistant Director's) office for a long time."

An additional officer was assigned to assist in 2022, but this officer too has other duties and responsibilities.

Sergeant Dearinger stated that there are "post orders" that provide direction to employees about procedures for particular jobs throughout LMDC. These post orders provide direction to officers as to what they are supposed to do. These post orders are very antiquated. In many instances, they are duplications of other policies and possibly conflict with standard operating procedures. Dearinger cited the post orders for the second floor as well as other floors as examples where these floors may be governed by eight different post orders.

He also stated there are certain areas of LMDC where there are no post orders to provide guidance for operations in that area. One example that he provided was for the motor pool. There are no policies and procedures currently in place.

Under the current administration, there is no internal legal counsel as there was in the past administration. Sgt. Dearinger's point of contact for legal advice is with the County Attorney's Office. The current contact at the County Attorney's Office, Roy Denny, has been

very responsive. However, Dearinger noted that it would help to have an in-house legal counsel to help with open records matters.

There are many Kentucky specific resources available to help guide policy development.<sup>67</sup>

The IACP also has an excellent concise report that sets forth best practices for developing a policy-procedure manual.<sup>68</sup> This document lists several general principles of developing policies and procedures including involving staff in the process and recommending formation of a Policy Committee. LMDC should consider forming such a committee to perform a comprehensive review of policies and procedures. The committee could bring the policy manuals up-to-date and provide a current starting point for future policy reviews and revisions.

Finally, no matter how skillfully drafted and comprehensive a policy manual might be, it is incumbent on personnel to follow those policies and leadership to enforce same. This investigation revealed that this has not been consistently done to include examples related to the deaths over the past 15 months discussed elsewhere in this report.

## **I. TRAINING**

The training program assessment included three visits to the Training Academy which included a review of the training facility, observation of instruction to both a recruit class as well as an in-service class, review of curriculum, lesson material, record keeping, personnel files, and interviews with the training commander, all instructors, and support staff.

Captain Gene Llaguno is the commander of the Academy and oversees all training operations. Training staff and others interviewed throughout LMDC spoke very highly of Capt. Llaguno. They said he was very knowledgeable in all aspects of LMDC, an excellent instructor, leader, and firearms instructor. During interviews with Capt. Llaguno, he presented a very professional image to include being fit, well-groomed and professionally dressed. He sets an excellent example for staff and new recruits.

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<sup>67</sup> <https://www.kaco.org/insurance/loss-control-services/kentucky-jail-policies-and-procedures/>  
<https://corrections.ky.gov/About/cpp/Pages/default.aspx>

<sup>68</sup> <https://www.theiacp.org/sites/default/files/2018-08/BP-PolicyProcedures.pdf>

Capt. Llaguno stated that he has adopted a dress code for instructors that includes a green polo shirt with an LMDC emblem on it and tan khaki pants. He noted that instructors may wear a blue sweatshirt on inclement days or days when instruction will take place outside. Most of the instructors have embraced the “training uniform” except one instructor with whom Capt. Llaguno had to have a personal discussion stating that the dress code will be followed.

The professional appearance and demeanor of training staff is exceedingly important for setting a professional tone for LMDC and LMDC’s expectation for its employees. Not only should instructors be subject matters experts, but they should convey a professional image that underscores the expected professionalism of LMDC employees. They should also be of excellent character and behavioral examples for others. Instructors also must be adept at educating others.

During one of the instructor’s presentations to a recruit class, the instructor said to the class, “Welcome to being a peon” with some off-handed remark about management. It was unclear of the purpose of this comment, but it may have been better to say, “Welcome to this great organization or profession.” Any animosity towards management displayed or verbalized during training is corrosive to building a professional culture and respect of those in positions of authority.

Review of instructor’s personnel files disclosed that most of the instructors had few, if any, disciplinary actions filed against them. However, one instructor has been involved in numerous disciplinary actions including sexual harassment cases. One of the sexual harassment cases has received local media attention.<sup>69</sup>

Interviews with current and past executive management staff revealed that they had removed this instructor for various reasons in the past, but their actions were overturned on appeal or by encouragement of other government officials. The current training staff noted that this person is an excellent instructor in terms of capturing the attention of students as well as his knowledge of the topics.

This illustrates another issue that impacts operations at LMDC. The contract with the FOP that has developed over the years through contract negotiations has resulted in procedures

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<sup>69</sup> <https://www.courier-journal.com/story/news/politics/metro-government/2022/02/24/louisville-metro-corrections-officer-sex-request-lawsuit-settled-tracy-dotson/6927144001/>

and contract provisions that hamper leadership's ability to do what is best for jail operations. Often officers are placed in a position based solely on seniority. Moreover, leadership is hampered in moving a person from one position to another where they would best serve the needs, effectiveness, and efficiency of jail operations.

Although it was claimed by some that seniority does not play a role in the selection of instructors, others interviewed (to include current instructors) stated it does play a role. More importantly, the current FOP contract provisions limit, if not totally prevent, moving an instructor to another assignment where leadership believes they would best benefit the organization. Interviews with other jail officials across the country indicated that this type of limitation is not a standard practice of other jails.<sup>70</sup> Metro Louisville government should explore options and contract accommodations that would give LMDC leadership more latitude to assign people, both permanently or temporarily, where they would most benefit the organization's effective and efficient operation.<sup>71</sup>

Regarding staffing, Capt. Llaguno, the instructors, and even Major Goodlett stated they need more instructors at the academy. Ideally, they believe adding at least two instructors would be extremely beneficial. They also believe having half the training staff assigned to recruit training and the other half to in-service training would significantly improve training operations.

Currently, the instructors have little downtime to revise and update training curriculum and training materials as well as conduct research on emerging best practices and technologies. In addition to adding officers to the academy staff, LMDC should consider using civilian or outside instructors. Also, they should assess the potential benefits of including LMDC recruits in LMPD classes on topics that are consistent with LMDC policies and procedures such a use of force and arrest laws.

Capt. Llaguno also recommended that:

1. Training be improved to ensure everyone gets "quality training applicable to their current job." He also recommended that there be "on-shift training." He believes that if a

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<sup>70</sup> Washoe County, Nevada Sheriff's office; Polk County, Florida Sheriff's office; Oldham County, Kentucky Detention Center; Dennis Hippert, Assistant Director, University of Louisville, Southern Police Institute.

<sup>71</sup> The FBI informs applicants that they can be placed in any position or moved to any of its 56 field offices based on "the needs of the Bureau." This means if you are assigned to the Louisville Field Office and they need an agent with your skillsets or have staffing needs in New York City or Butte, Montana, you can be sent there by the FBI. Yet LMDC leadership cannot simply reassign an officer from the booking area or a floor assignment to another floor, even for one shift, without that officer filing a grievance.

corrections officer is having a particular problem someone from the Training Academy or an experienced FTO should shadow that person to observe how they do their job and provide corrective instruction rather than ignoring that issue and waiting for something bad to happen. If a supervisor sees a corrections officer needing additional training or guidance, the supervisor should report that deficiency.

2. There needs to be better communication between the Training Academy and the recruiting personnel. The Training Academy should be advised two to three weeks ahead of a new class who will be attending that class rather than being told a day or two before the class begins. He also recommended that the training staff be involved in the recruiting process. He believes it would be extremely beneficial for someone from the training staff to meet with potential recruits to explain to them what is expected of them and how to prepare for the academy. He believes that an adequate explanation of what is expected of a corrections officer and what the potential recruit will experience at the academy would reduce the number of people who leave midway through a recruit class. He also believes that the training staff should be involved in the Physical Ability Test (PAT). This test is conducted as part of the hiring process. Currently, the recruiting officer, Andrew Young, and the HR Director Wanice Tunstull conduct the PAT tests.

The Training Academy is currently housed in a Metro Government building that was not originally designed as a training facility. LMDC shares space in this building with LMPD. The main classroom is small, windowless, and has concrete pillars throughout the room that can obscure the direct view of the instructor. The classroom itself also serves as a corridor to training staff offices. Staff and visitors must walk through the classroom to access the offices which is disruptive to the class instruction and the instructor's concentration and flow of instruction. There is a small windowless classroom that is used for in-service training. The size of the classroom provides the instructor with little personal space for instruction. The staff offices are small and windowless except for the Captain's office. The staff currently share offices and use the break room as an office. A larger more modern training academy would benefit the training program.

In past years, LMDC shared a dedicated training facility (Southfields) in eastern Jefferson County with the then Jefferson County Police Department. This facility had multiple classrooms and buildings, a driving track, areas for physical fitness training and assessment, and

a firearms range. LMDC currently has none of these needed amenities (except small non-optimum classrooms).

Former Corrections Officer Sonya Harward noted that when she joined LMDC in 1999 training took place at the Southfields training facility. She stated that they did some training with the police officers. They were also allowed to go on the driving track which she thought was a morale booster for the corrections officers. She also believes that the joint training facility away from the urban area was beneficial. Harward described the Southfield Training Academy as a place where corrections officers felt special, and it had an environment that created a feeling that the job was special and meant something.

In contrast, LMDC must now coordinate with other entities in surrounding areas including southern Indiana for the use of firearms ranges. This means LMDC must conform its firearms training and qualification dates and times to the schedule of these outside entities. They also must bus the students to these locations, which can be at a minimum of a 30-45-minute drive which consumes valuable training time. Metro Government should provide a much more modern, effective, and efficient training facility as well as a dedicated firearms range.<sup>72</sup>

Llaguno stated that the current training facility is inadequate. He stated they need a bigger training facility which would have six classrooms and office space for each instructor to have their own office. Currently, some of the training staff share an office and share a desk. The breakroom at the academy is also used as an office by one of the instructors. Numerous people interviewed including Capt. Llaguno and former Deputy Mayor Ellen Heslen, agreed LMDC needs a new training facility.

Additionally, Llaguno stated that they are short staffed at the Training Academy. He believes that it would be extremely beneficial to divide the Training Academy into two units – one for in-service training headed by a sergeant and one dedicated to recruit training headed by a sergeant. He believes the Training Academy needs at least two to three more instructors.

Llaguno continues to work some shifts at the jail. He believes this is important so that he can see what is occurring at the jail and use that knowledge to refine the training protocol for new recruits as well as in-service instructions. He also would like to implement a program by which the training staff goes to the jail as a team to help relieve corrections officers periodically.

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<sup>72</sup> LMDC officials advised that the LMPD range is usually not available to them because of the size of the range and the volume of LMPD recruit and in-service classes using the range; *see* Llaguno interview.

The training staff team would go to the jail for six to eight hours to help provide relief to the corrections staff. The benefit of doing this would not only help the on-duty staff but it would also enable the training staff to stay in contact with the jail and current issues within the jail which in turn would help the instructors address some of those issues in classes they teach.

Review of the LMDC training curriculum and some training materials indicates that in many instances the material has not been reviewed or revised in the past. There were instances of no revisions on some materials since 2000. It appears from the access dates on the files provided that there has been an effort to review training materials since Director Collins took over LMDC. The lack of review and updating may partially be attributable to staffing issues. Again, as noted above, adding staff to the Training Academy would enable staff to routinely review, revise and update curriculum and training materials.

Regarding the curriculum, there should be an assessment of the hours dedicated to various topics and an assessment of whether additional topics should be added to the curriculum. It was noted that the current curriculum dedicates only one hour to harassment training when this has been identified as a significant problem at LMDC. In contrast, 176 hours is dedicated to use of force instruction, 8 hours to off-duty responsibilities, 2 hours to social media, and the same amount of time (one hour) to FOP matters.

Moreover, there is no sexual harassment training built into in-service training. In addition, there should be some remedial training developed for those identified as needing it.

Until just recently, there has not been any training for persons promoted to a higher position. A 1½- or 2-day training for new sergeants was recently added. The instructor of this course stated he is in the process of refining this program.

This type of training is vital for personnel promoted. Supervision of employees and the needed leadership skills to excel as a supervisor are different than those needed to be a floor officer. Some of the weaknesses identified at LMDC including sexual harassment cases are directly attributable to poor leadership and failure of supervisors to hold people accountable. Mandatory training should be provided to personnel when promoted including sergeants, lieutenants, and captains. This training should encompass staff at the level of Majors and above reinforcing management's philosophies for improving the jail operations and holding people accountable. Each promotion carries with it a needed understanding of the required new skillsets and awareness of what is expected by management for those newly promoted.

During COVID, in-service training ceased. Although some in-service training has been reinstated, staffing shortages and needs at the jail have reduced the number of classes and people attending. Again, the increasing number of deaths at the jails is partially attributable to failure to adhere to and enforce basic corrections protocol. In-service trainings need to incorporate reinforcement of these basics protocols and incorporate management level leaders' involvement to emphasize the importance of doing observations, in-person interactions with inmates, and ensuring subordinates are doing what is required. Remedial training on security protocols should be developed for those identified as needing it. Training is critical to addressing the influx of contraband into LMDC and reducing the number of deaths.

Another shortcoming identified at the Training Academy is recordkeeping. Capt. Llaguno advised that when he arrived at the academy, he found deficiencies in recording and documenting training. Currently, the Kentucky Department of Corrections utilizes a software program called CrimCast to provide online training to corrections personnel and as their training records system.<sup>73</sup> Capt. Llaguno stated this system is inadequate and sometimes training information is deleted from the system.

To address these deficiencies, Capt. Llaguno developed his own Excel spreadsheet to track all LMDC training—both for recruit training and in-service training. Capt. Llaguno himself has been inputting all training taken by every employee and certifications received such as First Aid and CPR obtained into the spreadsheet. When asked if he could quickly provide a list of all the persons who were delinquent in training or certifications, he stated the Excel spreadsheet didn't have that capability. A very limited number of people at the Training Academy have access to the spreadsheet information. The Excel spreadsheet does not generate alerts to anyone that someone is out of First Aid or CPR certification or other training deficiencies. It also is not accessible by executive management to review training records or any other training data.

Although Capt. Llaguno identified a weakness in training recordkeeping and is to be commended for his self-initiative to correct this deficiency, LMDC should invest in a software program that will generate alerts to appropriate supervisory personnel as well as the officers themselves of training delinquencies or certification lapses. In one of the death cases, one of the

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<sup>73</sup> <https://corrections.ky.gov/Divisions/training/Documents/2020%20Annual%20Report.pdf>, p.10.

officers assisting with CPR was out of certification.<sup>74</sup> There were other cases where responding officers performed unnecessary assessment of responsiveness protocol, resulting in time wasted to initiate CPR.<sup>75</sup> In these cases, officers should have gone directly to the ABCs of resuscitation. These are illustrations where additional or more training would be beneficial.

Throughout this investigation, there were several instances revealed, like at the Training Academy, where executive management officials have developed their own Excel spreadsheet to track information.<sup>76</sup> In all these instances, the executives themselves input the information rather than a lesser -paid subordinate. Moreover, none of these independently developed spreadsheets generates alerts or easily accessible reports to help with data-driven decisions or to ensure time-sensitive information is provided to these managers.

Additionally, no management personnel above the developers of these individual independent spreadsheets have access to the data. This leaves open the possibility that necessary data might be inaccessible to others should the developers of the spreadsheets be absent due to illness or other personal emergencies. Again, LMDC should research and obtain global software to track management data, and ensure the software has dashboard capabilities for management to quickly access important data.

Former Director Clark stated that LMDC needs a training facility which would include an indoor gun range. He believes that a combined training facility which is run cooperatively rather than dominated by one entity would be beneficial; that Training is a very important aspect of the Corrections facility; the current “Captain, Gene Llaguno, is a good person for the job.” He also believes the current FOP contract interferes with getting the best people to the Training Academy.<sup>77</sup> Finally, he noted that there needs to be more mental health training to recognize the signs of mental health and needs of the mental health inmates.

Former Assistant Director Steve Durham stated that he believed that there have been and are deficiencies in the training and with the training staff. An example that he cited was from 2016 when he was first asked to review the training program at the LMDC Academy. He asked the captain in charge of training to share with him what topic was provided to recruits on the first

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<sup>74</sup> Lesley Adam Starnes, DOD 02/06/2022; *see also* Medical Review section.

<sup>75</sup> Stephanie Dunbar, DOD 12/04/2021.

<sup>76</sup> Training-tracking of all training records; Executive Administrator-Civilian Division-tracking of inmate release dates; Executive Administrator-Human Resources-tracking of all recruiting, grievances, and other HR matters.

<sup>77</sup> Other persons interviewed referenced the FOP contract as adversely impacting management’s ability to place people in the assignments that would be best for jail operations—Martin Baker; Eric Troutman.

day of the academy. He was told that recruits received Code of Ethics Training as their first topic. Durham requested a copy of the PowerPoints utilized for that training. Durham provided a copy of the PowerPoints that were provided to him at that time which consisted of six pages of PowerPoint slides and two pages of pictures. Durham described these PowerPoint slides as very elementary and insufficient in establishing what are the code of ethics for LMDC and lacked in setting a foundation for an ethical culture at LMDC. A copy of these PowerPoint slides is attached to this report.<sup>78</sup>

After reviewing the PowerPoint slides which he described as elementary in nature, it was recommended that the then training staff be removed and new leadership brought into the training program. After the training staff was removed by Director Bolton, the FOP filed a grievance about the removal.

Durham believes that the Training Academy should consist of persons other than only corrections officers but should include subject matter experts especially in topics such as sexual harassment and ethics. He suggested that professional trainers be brought in to provide training and to audit the training program to ensure that it is valid evidence-based training program and that the delivery methods of that training consist of the best practices to facilitate the receipt of the information and the understanding of the information. It was his opinion that additional training on sexual harassment needs to be established. He also recommended that this training be provided by someone other than corrections officers to include, perhaps, someone from Human Resources or a person with legal training.

Durham believes that the current training and curriculum puts a heavy emphasis on defensive tactics. Although Durham agreed that defensive tactics training is important to a corrections officer's job, he suggested that de-escalation techniques should be emphasized and that recruits be trained on how to care for people, to understand the human plight, and the needs of getting proper care for the inmates rather than focusing on use of force against the incarcerated population.

Durham also stated that in addition to the training curriculum modifications, the training staff selected to provide the training need to have the skillset to provide proper training. It was his opinion that simply being a corrections officer does not provide people with the skillset to provide proper training for the recruits. He also noted that the training staff provides recruits

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<sup>78</sup> See Exhibit 4.

with a window into the culture of corrections and that the training staff needs to inculcate recruits with the belief that corrections officers must act ethically and not participate in sexual harassment or other improper behavior.

Durham reiterated the importance of having the appropriate personnel provide training to new recruits to set the tone of what is expected and not permitted by corrections officers. He noted that there had been several instances where a current member of the training staff had been involved in numerous relationships with employees that bled over into the work environment. He noted this employee was accused of having a sexual relationship with a female sergeant whose husband was also a sergeant at LMDC. After the sexual relationship had stopped, the female employee claimed that this training staff member continued to harass her and push for continuing sexual relationships with her.<sup>79</sup>

Durham again reiterated that the Training Division sets the culture of the institution at the outset of an employee's entry into LMDC. Persons in the Training Staff should have impeccable credentials and not be involved in sexually harassing employees and should convey the importance of ethical conduct and not participation in inappropriate things such as sexual harassment. Under the current system, that has not always been the case.

Durham stated that there were three areas that generated the most litigation at LMDC – use of force, medical care, and failure to protect inmates. It was Durham's opinion that better training should be provided to employees to understand the need to provide proper medical care, protect the inmates from other inmates, and to limit the use of force to when truly necessary.

The current Chief of Staff, David Heacock, sees the need for improvements at the Training Academy and hopes that one of the future goals will be new innovations to help with the Training Department. One of his suggestions would be to have training officers work six months at the academy and then six months at the jail. The current process where instructors are assigned to training and remain there for numerous years minimizes their ability to understand and see current problems or issues in the jail that could be corrected by proper training.

He believes that the Training Academy may need more instructors. He also stated that they should explore bringing in adjunct instructors especially for professional development. He also stated cross training opportunities with LMPD should be explored.

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<sup>79</sup> Other persons interviewed referenced this individual as an example of not setting a good image for new recruits—Martin Baker; Wanice Tunstall.

Some of the courses that might be appropriate for this would be criminal investigations, interviews and interrogation, search warrants and other courses that might be applicable to the Corrections facility employees.

Executive Chief Psychologist Mariya Leyderman stated that it's critical that the Training Department establish a professional and ethical culture on day one at the academy. The training instructors represent what recruits should aspire to be. The training provided should not be "what we are being forced to teach." Again, like others interviewed, she does not believe there is sufficient attention to qualification-based assignments to the Training Academy. She stressed that the training instructors create the culture of the agency and need to exude professionalism and not convey to the students that what they are being taught is "training that is being forced" to be taught. It seems that the instructors have a "pigeonholed view" of what needs to be taught.

She also believes that all training does not have to be provided by corrections officers. Training regarding internal procedures is appropriate for corrections officers but there are many outside instructors with expertise that would be beneficial for the new recruits.

There should be an alternate perspective and an assessment of whether the training is preparing the recruits for the job ahead of them. If there are problems within the jail facility, a review of potential shortcomings in the training should be assessed and, if found, should be incorporated into the training program. Many of the issues within the jail are indications that what is being trained is not working. She's encouraged that the instructors as well as management need to step back and assess what's not working and why it's not working.

In her opinion, Training operates as an island. They decide what they are going to focus on in the in-service training. What is important in their minds may not be what is needed within the institution. Additionally, there needs to be some metrics by which the training curriculum is developed so that it has a set of standards that sets an employee up for success. "Who determines how many hours of defensive tactics or use of force are contained in the recruit training versus training on interpersonal skills, communications, de-escalation which if done correctly would likely reduce the needs for defensive tactics or use of force in the Corrections facility?"

She noted the importance of looking at the root problems within the jail and eliminating the mindset to keep training the same concepts just because it has been on the syllabus for years.

Dr. Leyderman also stated there should be greater role clarity for the staff – what are the expectations and duties? She believes much of what is being done at the Training Academy is somewhat antiquated and a repeat of what has been done over the years. Just because someone has the seniority or title of being an instructor at the academy, there must be clear guidance of what is expected of individuals at the Training Academy. In her opinion, much of the training is based on, “I used to do ‘fill in the blank’.” Again, regarding clarity of the roles, are the training instructors there to simply teach or should they be providing additional input on curriculum; and curriculum that is evidence based?

Furthermore, she believes that the Training Department should be involved in policy development and curriculum writing. Overall, she posited, “Who is guiding our practices and procedures?” She believes an assessment should be conducted to determine what truly is dictating the functions here at LMDC – procedures, policies or this is how we’ve always done it mentality.

Finally, Dr. Leyderman questioned whether the training hours are a proper reflection of what one will be doing most of the time on the job. She does not believe that the use of force within the facility is being tracked to provide management with data on “how often use of force is used and why,” which would then help management address the underlying issues which might be more training or modifications to the facility itself.

FOP President Daniel Johnson stated that currently there is no specific curriculum for the Training Academy. The current training that is provided is provided based upon what the training staff thinks the current needs of the class might be. The training class can last anywhere from 9 to 15 weeks. There currently is no mandated training. Johnson stated that under Kentucky Revised Statutes there is no required minimum training. New recruits do receive training in the use of force and firearms training. LMDC does not have its own dedicated firearms range and has been bouncing around from different ranges in the Metro area to include various ranges in Southern Indiana.

The only legal training provided to recruits is a one-hour class on how to fill out citations.

According to Johnson, there is training provided on the Kingsley-Hudson Use of Force Concept. There is some training on civil rights and “modern use of force.” New recruits receive 40 hours of firearms training which includes eight hours in the classroom.

He also noted that more training on the actual shift that the person is going to be assigned would be helpful to the training process to help the new recruits get acclimated to their actual job duties on the floor to which they will be assigned.

In the past, people going through the Field Training Officer Program have passed through the system despite their FTO concluding that the person was not ready.

Training Assistant Ashley Harper stated there is currently no train-the-trainer course which she believes would be beneficial. When Harper started at the Training Academy, she described the environment as very strict. Now she feels that there are less strict requirements to follow the rules and that things seem to be more relaxed. She noted that under Director Clark, if a recruit didn't show up for days, the Training Academy was required to take that recruit back to class. She stated that numbers seem more important than quality.

Training Instructor Officer Theodore Perkins stated that previously the Training Academy was used as a mechanism to weed out people who didn't need to be or shouldn't be corrections officers. That is currently not the case.

Sgt. Tim Myers noted that when he was hired in 2014, the training he underwent at the academy was the type that he was used to from his military training. It was the concept of breaking you down and building you up. This mentality also helped build camaraderie among the troops. Over the years, the staff and administration have changed. It seems there has been a move away from the more intense physical fitness piece of training. He disagrees with this decision since the job does require physical encounters as part of it.

Brandon Bolton, a former LMDC training officer, now a police officer with the Shively Police Department, stated that "an air of leniency developed at the academy in terms of attendance and strict adherence to training protocol. It is interesting to note that this coincides with the beginning of an increase in deaths at the jail and a lessening of observance to basic security protocols at the jail. This underscores the need to reinforce basic security protocols at the Training Academy.

Officer Bolton also noted that Capt. Llaguno is an excellent leader for the Training Academy. He described Capt. Llaguno as an excellent firearms instructor.

Finally, it was Bolton's opinion that Director Collins is very pro-academy and training. In fact, Director Collins used to be the Captain over the Training Academy, so he understands

training. He described Collins as a person with very good ideas. He believes Collins' mindset is leading LMDC in the right direction.

Based on the review of the Training Academy and interviews of training staff and others, there are numerous recommendations for improving the training program listed at the end of this report.

## **J. BUDGET AND OVERTIME**

The LMDC budgets from 2009 to 2022 were reviewed. The amount of funds budgeted to an agency, or a corporation largely controls its progress and success. Many of the problems observed during this investigation are somewhat related to its budget—adequate funding for: competitive salaries; needed upkeep and repair of the jail facilities; computers, software and modern technology for tracking inmates and verification of require observations being performed; body scanners; vehicles; medical care; to name just a few improvements that should have been made years ago but were not due to insufficient funding and leadership shortcomings.

LMDC's budget has remained relatively constant until the inordinate number of deaths, FOP calls for action, media reports and new leadership prompted a substantial increase during this past year. Director Collins has already begun using this substantial budget increase to address many of the issues not addressed over the past years. The following chart shows the approved budgets since 2009.

<b>FY</b>	<b>Annual Budget Fiscal Year (Millions)</b>
2009	\$50.40
2010	\$50.30
2011	\$50.80
2012	\$51.40
2013	\$53.25
2014	\$53.25
2015	\$55.87
2016	\$55.49
2017	\$52.90
2018	\$55.30
2019	\$55.50
2020	\$55.60
2021	\$55.80
2022	\$57.83

There are many reasons that the budget has remained the same including finite Metro Government revenue and the need to balance the needs of many other city agencies. Nevertheless, public safety is one of the most important government responsibilities. Moreover, failure to properly fund a public safety entity can result in civil liability and potentially U.S. Department of Justice intervention.

Some LMDC employees noted that although former Director Mark Bolton was very security minded, he also prided himself on returning funds at the end of a fiscal year. Many of the issues facing LMDC have existed for years prior to either Director Clark or Collins. Basic security needs such as sufficient high-quality cameras, sufficient up-to-date body scanners, RFID technology to account for inmates and verify observation are being made as required, have existed for years, and been used for years in modern and progressive jails facilities; yet LMDC has only begun acquiring some of this modern technology in response to the increased number of deaths. Progressive and innovative corrections leaders should always be assessing new technology and ways to improve the safety and security of their facilities—not wait until people are dying to make or recommend changes. Part of this failure may be due to a reactive type of leadership rather than a proactive style. LMDC lacks a Research Unit or even a research person to assess new technology and to make recommendations to LMDC leaders. This in turn creates a culture of reacting to problems rather than foresighted leadership looking at ways to prevent problems from ever occurring.

Another interesting budgetary-related fact developed was that there were years when the budget submitted by LMDC was essentially a replicate of the prior year.<sup>80</sup>

Former Chief of Staff Eric Troutman was extremely candid when interviewed. He stated that under Director Clark and because of COVID, the budget for fiscal year 2020 was identical to the budget for 2019 and, similarly, the budget for 2021 was the same as fiscal year 2020. Finally in 2022, they worked on a revised budget. He said, “To be honest, most of the budgets from LMDC are a continuation of the prior year budget.” Thus, the budgets are the same unless some major issues or needs arise—again, a reactive style of leadership.

Troutman noted that he was not really a “budget or finance guy” when he began as chief of staff and took over the budgeting and finance part. He candidly stated that he didn’t even balance his own checkbook. He went on to state that it would have been helpful for him to have

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<sup>80</sup> Interview with former Chief of Staff Eric Troutman.

had some finance experience, but he had none. This resulted in him walking through “a mine field.” He spent a lot of his time trying to learn finance and budgeting but received virtually no training.

Troutman also noted that his role resulted in him developing a \$52 million budget but, “It would have been helpful to have training on this,” instead he was “thrust into this position.” It took him about three years before having a good handle on this role.

He went on to say that the Metro Government finance process is very complicated. The finance rules and procedures govern how you spend. He stated there was “a lot of finger pointing” concerning finance matters that did not get handled quickly.

The preceding may account for the static budgets over the past years. Unfortunately, the prior administration was shortsighted in not championing efforts to increase the budget to address critical needs.

Although the budget has remained rather constant, the cost of doing business has not remained the same. Looking at the average inflation rate since 2009, \$100 in 2009 is equivalent in purchasing power to about \$140.23 today, an increase of \$40.23 over 14 years. The dollar had an average inflation rate of 2.44% per year between 2009 and today, producing a cumulative price increase of 40.23%.

This means that today's prices are 1.40 times as high as average prices since 2009, according to the Bureau of Labor Statistics Consumer Price Index. A dollar today only buys 71.311% of what it could buy back then.<sup>81</sup> Thus, while LMDC's budgets remained the same, its ability to purchase needed supplies, equipment, and all the other needs was diminished.

Troutman also stated that he experienced difficulty with Metro Government's finance office that delayed or denied efforts to purchase needed equipment related to officer safety. He stated that because civilian personnel had significant involvement in the development of budgets, sometimes matters that the Corrections Department believed were necessary were denied. He cited as an example their request for eight years in a row to purchase radios so that everyone in the facility would have a radio.

He went on to state that during the process of trying to acquire radios for all officers, they received significant pushback from the civilian Metro Government employees involved in the

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<sup>81</sup> <https://www.in2013dollars.com/us/inflation/2009?amount=100>

matter. Finally, Troutman believed that the COVID funds could be used to purchase the radios and went ahead and ordered them. He stated that, “I got an ass whopping for doing it,” from the CFO and others in Metro Government. Nevertheless, he was able to accomplish getting the much-needed radios. He received no help from anyone or guidance from anyone in Metro Government on how to acquire the needed radios.

Another necessary piece of equipment that Troutman believed LMDC should buy was body cameras. Once again, the civilian persons involved in the purchasing process did not understand why all officers needed a camera rather than sharing cameras. He was also working on getting everyone a ballistic vest but was unable to do so before his term expired.

It was his opinion that the big three issues that should be addressed are 1) repair or replace the intercom system which is aging and sometimes nonfunctional; 2) fix the flooring, there are numerous potholes throughout the building, estimates for repairing these potholes was \$3 million; and finally, 3) renovation of the elevators which are many times unreliable or out of service.

Again, Troutman lamented the budget process whereby on many occasions he informed the CFO Office of Management and Budget and the mayor that these items needed to be funded. Instead, much of this maintenance was deferred. They did receive in the annual budget of \$500,000 for maintenance work which Troutman said was tremendously insignificant to accomplish what they needed to maintain the building. He stated that in his last year at Corrections they spent a million dollars on maintenance matters. He called taking care of the jail facility as triage like in a battlefield. He said the money allocated to maintenance of the building has been woefully inadequate over the years. He said the jail facility was simply not designed or originally built to be a jail.

Another budgetary issue that can't be overlooked is the perpetual expenditure of millions of dollars for overtime. As noted in the Staffing Section of this report, LMDC pays on average \$4 million per year with \$32 million paid since 2015. LMDC management along with Metro Government need to find ways to reduce these expenses such as increases wages to attract more applicants and other suggestions noted in the Recruiting and Retention Section. Ultimately, Metro Government needs to provide funding to build a new jail. Some of these overtime funds could be redirected to the annual payoff of bonds or loans incurred in building a new jail.

## **K. MEDICAL CARE AND DEATH REVIEW**

### **1. OVERVIEW**

A thorough review of all records provided by LMDC concerning the deaths of nine inmates was conducted. In addition, medical staff—both line and supervisory—were interviewed as were corrections officers throughout the jail facilities. Inmates were also interviewed concerning medical care. The area within the jail which houses the medical and mental health patients and the area where care is provided was examined during several visits to the jail.

The examination of the medical care area revealed a woefully inadequate physical facility in which to: house and care for patients; watch and observe patients especially those in need of extra oversight; provide an environment conducive to patient recovery. The cells for mental health patients are completely contrary to an environment needed to care for and help mental health patients. Unfortunately, the medical staff is unable to correct this major issue and operates with the existing building design they have been provided with which to provide care. The medical care area is devoid of any windows to the outside.

The current medical provider is Wellpath which is a private healthcare company headquartered in Nashville, Tennessee. Like LMDC itself, Wellpath struggles at times to maintain staffing levels which then requires medical staff to work overtime. Private healthcare providers outside of a jail setting with much more appealing work environments also struggle to staff their facilities. In many instances, these private healthcare providers have instituted hiring bonuses and significant pay increases to encourage people to work for them. Again, the jail facility does not provide a competitive working environment compared to the hospitals in the Metro area.

The investigation also revealed non-physical plant issues that need to be addressed—better charting, better oversight of mental health patients, better communication and coordination between medical staff and corrections officers. These and other issues related to medical care are more fully discussed below.

## 2. DETAIL ANALYSIS AND FINDINGS

According to the Scope and Standards for Correctional Nursing by the American Nurses Association, it is recognized that correctional nurses practice in an environment where healthcare is not the primary mission. They are, however, often the first point of contact for an incarcerated person to access healthcare including medical care, mental health, and health education.

A correctional healthcare system is, by definition, a specialty healthcare system. The system often serves hundreds if not thousands of individuals with acute medical and behavioral health needs and individuals with many chronic conditions.

- The safety of inmates and staff must be ensured and access to care is constrained by a wide variety of safety, communication, and transportation considerations. A correctional environment is very different than community-based healthcare settings. Security threats, institutional procedures (e.g., counts) and many other factors can impact the smooth provision of healthcare.
- The relationship between healthcare and custody functions across the system should operate in a professional and seamless manner. There is an imperative for custody staff and healthcare to collaborate closely to ensure inmate health and safety as well as those providing that care.

The following in-custody deaths reviewed included:

Kenneth Hall  
Rickitta Smith  
Stephanie Dunbar  
Garry Wetherill  
Keith Smith  
Lesley Starnes  
Moman Anderson, Jr.  
Barry Williams  
Thomas Bradshaw

The following assessment and recommendations were based upon:

- Preliminary review of specific inmate records (some documents incomplete)
- Face-to-face interviews with select healthcare staff
- Review of Wellpath Policies and Procedures
- Review of Contract between Wellpath and LMDC

- Review of Correctional Nursing Scope and Standards of Practice (3<sup>rd</sup> Edition)
- Review of ACA and NCCHC regulations

Outlined below are notable common themes present based on review of the above documents related to healthcare delivery at LMDC:

**Facilities/Structure:**

- Physical layout not conducive to medical, mental health or correctional officer assessment, access and management of inmates if/when problems occur.
- Inability to monitor visual or physical assessment of inmate. Both the acuity of physical or mental health needs may be overlooked based on the classification, lack of seamless integration of both movement and communication between all department and levels of jail personnel.
- Classification and physical assignment of inmates often done without complete needs assessment or movement takes place without adequate supervision or follow-through.<sup>82</sup>
- Example: direct observation is either of poor visualization or inconsistent<sup>83</sup> by staff, done by inmates<sup>84</sup>, or remotely via video camera with potential for error.<sup>85</sup>
- Delivery of care often encumbered by time lapse for emergency security to access inmate such as opening of cell doors, communication system problems<sup>86</sup> difficulty accessing emergency help.<sup>87</sup>
- Physical space with potential for harm such as bars, access to clothing for harm,<sup>88</sup> even concrete walls and floor.
- Call system inside cells questionably working and even may be inaccessible by inmates due to their clinical status.

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<sup>82</sup> Poor coordination between mental/physical health assessment and classification for movement – Dunbar/Ghazawi cases (E1#116822 pdf in BWilliams records note EOC where another inmate put in client/attorney booth).

<sup>83</sup> Example of inmates with complete head to toe cover up/obs sheets inconsistent, late entries.

<sup>84</sup> See policy on role of inmate workers (Wellpath v LMDC) (Watchers).

<sup>85</sup> Picture of remote monitoring, policy and actual practice (lack of monitoring and follow up on BWilliams where officer saw snorting white powder and then it took 38 minutes to follow up where he was found dead of OD) (Bodycam footage of length of time to get doors open).

<sup>86</sup> Cell phone signal poorly transmitted within certain areas of jail-having to use landline phones.

<sup>87</sup> Video of time lapse/written incident reports noting time inconsistency accessing patients.

<sup>88</sup> 2 inmates committed suicide with their clothing/vents or metal bars used for hanging, even concrete on walls and floor are potential self-destructive weapons.

- No emergency activation system available to any staff that would be the equivalent of a 911 or “code blue” “man down” call to notify all staff of a serious emergency.<sup>89</sup>
- Not all staff have immediate access to a communication device in case of emergency.
- Equipment inaccessible/malfunctioning.
- Use of two separate computer systems (XJAIL and IRMA) where access is limited and not streamlined for inmate movement, monitoring and management by both Wellpath and LMDC staff (example – Dunbar or Gazawi).

### **Documentation/Records**

- Wellpath:
  - Note missing, inconsistent, or incomplete documentation of assessment<sup>90</sup>, management<sup>91</sup>, follow up from other providers.<sup>92</sup>
  - Gaps in documentation of medical care
  - Evidence of inadequate assessment/intervention in care
  - Lack of communication between staff and shifts
  - Concerns for staffing needs based on population and acuity
  - Mental health assessment, plan of care not clearly communicated to all staff
  - Lack of qualified staff to assess and manage the high number of inmates with both acute and chronic mental health issues
- LMDC:
  - Noted numerous late entries, omissions, inconsistencies in documentation, gaps in observation<sup>93</sup>
  - EOC reports notes on contraband, fighting, moving of inmates lack sufficient documentation<sup>94</sup>

### **Mental/Physical Health Management:**

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<sup>89</sup> Med staff states no way to activate emergency call other than landline or officer with radio/med staff have no portable communication/no emergency call stations on walks external to cells

<sup>90</sup>Hall, Smith,

<sup>91</sup> Hall, Smith,

<sup>92</sup> Smith

<sup>93</sup> Video monitoring of inmates when drug use is seen or lack of movement of inmate.

<sup>94</sup> Dunbar/ examples of EOC finding of contraband.

- Nursing assessment and management is either not designed to deliver the type of care some inmates need or is not being done based upon some of the limited records reviewed.<sup>95</sup>
- Numerous inmates are on various detox protocols which don't include ongoing monitoring of drug use and mental health issues during and once off detox.<sup>96</sup>
- Lack of proper assessment and training to initiate emergency measures by both LMDC and Wellpath staff.<sup>97</sup>
- Mental health management of depression/suicide/anxiety not documented adequately nor was any note of medication for these conditions initiated in notes reviewed.<sup>98</sup>
- Lacking evidence of any coordination of pre-arrest situation such as homelessness, substance abuse.

### **Recommendations for Consideration**

- **Population health management**, whereby each facility's healthcare staff "own" the population therein and are responsible for proactively managing the risk of every person, population sub-group and disease state using risk-based metrics and practices.
- **Team-based care**, whereby every member of the facility healthcare team and representatives of custody operate as an integrated team whose duty is to ensure that all patient needs are met every day through team huddles and other features of the Patient-Centered Medical Home.
- **Continuous learning and quality improvement**, whereby the facility-specific team, supported by the region and the state, continuously evaluate their individual and collective performance of duties and in the provision of healthcare to continuously improve patient outcomes and efficiency.
- **Structure:** A correctional healthcare system must have infrastructure, standardized processes and procedures, commitment to performance improvement and skill in

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<sup>95</sup> Hall, K Smith, - very little nursing documentation to assess or manage chronic or acute conditions

<sup>96</sup> Dunbar

<sup>97</sup> Dunbar bodycam video of how long he tried to elicit a response before initiating ABC of resuscitation, Delay in checking KHall, documentation of using pulse oximetry in code situation

<sup>98</sup> All files reviewed had no psychotropic chronic meds other than the COWS or CIWA 5 day protocols/extremely limited follow up on inmates who have identified risk potential (Ghazawi)

responding to crises and threats. It encompasses preventive care, primary care, specialty care, and emergency care every day. Its population often includes individuals with chronic illnesses who have not had routine healthcare while in the community.

**To this end, some of the following suggestions are for consideration:**

- Hiring
  - The right people for the right position
  - Review logistics recruitment and retention
  - Due to the high risk, high stress environment, benefits should be in accordance
- Training – Initial and Competency
  - Need for more comprehensive education of chronic problems often encountered in the inmate population with focus on mental health as well.
  - There should be a plan for preceptorship and length of probation for new hires
  - Annual evaluations should include continuing education and merit for learning beyond requirements.
  - A modular, online approach may be beneficial
  - Staffing is at issue with the number of forced overtime and even voluntary overtime lends to potential fatigue resulting in less keen observation or attention to duties
  - Continuing education as well as competency in CPR and emergency situations should have specific and measurable outcomes to ensure competency.
- Mock codes should be routinely held with specific criteria for evaluation among all members of LMDC both correctional officer and nursing staff.
- Examples of inappropriate assessment of responsiveness, resulting in time wasted to initiate CPR can be demonstrated in review of video footage in cases such as Stephanie Dunbar. She is found hanging in a room, frothing at the mouth, obviously unresponsive. Instead of checking for pulse and breathing, the corrections officers are seen giving verbal commands and hard sternal rubs as well as slapping her bare feet. Given the situation in which they found her, they should have immediately gone to the ABCs of resuscitation, not spending 40 seconds trying to get her to respond.

- Walk and talk encounters with inmates may help resolve the issue of inmates covering for one another with regard to contraband, fighting, etc.
- COWS/CIWA (Clinical Opiate Withdrawal Scale/Clinical Institute Withdrawal Assessment of Alcohol Scale) assessments are rarely rated more than a 2 (0-5) which is interesting considering the detox process – begs questions of accurate assessment and need for more assessment even if requires more charting or intervention.
- Triage (Intake) better coordination of history/disposition
- More privacy for interview and include exam
- Immediate access to arrest warrant and previous history so identification of potential health risk and placement can be suitably addressed
- Support for all staff for unique correctional environment
  - Debriefing
  - Crisis counseling
- Use of Telemedicine Internally/externally
  - To decrease inmate movement
  - Decrease loss of staff time with transport
  - Better continuity of plan of care
- Better coordination of inmate physical movement/placement and rationale based on need
- Need for increased bed capacity (2-4 bed dorms)
- More space for women in smaller dorms or single cell
- Electronic documentation (armband check) portable documentation systems such as iPad or rolling stands with computers and hand-held scanners
- Review of Mental Health Program for all inmates
  - Types of ongoing screening/SA reduction
  - Need for medication for depression as an example
- Need infirmary-type medical unit
  - 24/7 APRN on site with MD on call
  - Use of nursing personnel with “hands-on mentality”
  - Use of paramedics/EMTs
  - Documentation needs remediation

- Documentation by LMDC needs remediation/electronic data recordings
- EOC reports may need more follow up and QI
- Equipment use (Knife for Life/O2/AED/AMBU BAG) all need to be operational and all need to know how to access/utilize
  - To include better response to emergency situations
- Remote camera monitoring needs major revision to this process
  - Cameras in all locations/multiple manning of locations/shift watch no more than 4 hours with a break every hour
  - No OT in this area
- Policy on access to inmate by Medical/MH needs to be more inclusive of interactions done and documented
- More written progress notes, noting status of problem and plan for follow up
- Inmates should not be used as Watchers
- Any inmate on work duty should be routinely drug screened by dog and/or random physical search
- Documentation by LMDC needs remediation/electronic data recordings
- Written sheets are sloppy, late entries and illegible with little data communicated

**Collaboration:**

A structured forum for discussion, exchange of ideas and problem solving related to Continuous Quality Improvement (CQI) that includes both LMDC officers and Wellpath may benefit both communication and camaraderie among those working in the jail system.

A possible scenario would be for there to be a designated team update at each shift change, similar to rollcall that officers now have but be inclusive of all to ensure a more seamless level of movement, observation and coordinated care, while ensuring safety of all staff.

**3. SPECIFIC CASE REVIEWS**

**Moman Ellis Anderson**  
**DOB: 08/24/1989**  
**Inmate # 00534026**

**History:** According to LMDC records, on 03/09/2022 at 1301, Moman Ellis Anderson, DOB: 08/24/1989, was booked into the Louisville Metro Department of Corrections (LMDC). He was charged with the following: 1) Absconding parole supervision; 2) Failure to complete treatment for substance abuse; and 3) Use of controlled substance – Methamphetamines. Mr. Anderson remained incarcerated at LMDC until his death on 03/12/2022.

**The following LMDC and Wellpath information/documents between the dates of 03/09/2022 through 03/12/2022 related to Mr. Moman Ellis Anderson’s incarceration, medical care and death were reviewed:**

- LMDC Inmate Classification
- Wellpath Medical Records
- LMDC Inmate Detail Report
- LMDC Inmate Notes
- LMDC Incident Report
- LMDC Inmate Records File
- Preliminary Medical Examiner/Autopsy Report
- LMDC Classification Intake Screening
- LMDC Shift Logs
- LMDC Shift Reports
- LMDC Walk and Observation Sheets
- LMDC Extraordinary Occurrence Report

Inmate Notes and the Inmate Detail Report describe that Mr. Moman Ellis Anderson was housed in J1-R-2 on 03/09/2022 at 2101, then he was transferred on 03/11/2022 at 2012 to J4S-4B, Bed #29.

Wellpath Medical Records describe Mr. Moman E. Anderson’s medical care while incarcerated at LMDC from 03/09/2022-03/12/2022.

- 03/09/2022: Medical – Chronic Care Referral: Gastroesophageal reflux disease (GERD); and Hepatitis.
- 03/09/2022: Medical Receiving Screening
  - GERD, takes Prilosec 20mg BID
  - Hepatitis C
  - Disposition – General Population

- Medical: Chronic Care Referral – Routine
- Medication Orders: Calcium carbonate – Tums – give 2 tablets by mouth twice a day (BID) and at hour of sleep (HS) as needed (PRN)
- 03/09/2022: Progress Note
  - “Patient reports history of Hepatitis C and GERD.” “Denies mental health issues, suicidal ideations/homicidal ideation, ETOH (alcohol) or drug use.”
- 03/12/2022: Progress Note
  - “Nurse notified of inmate unresponsive with possible OD”
  - Upon arrival nurse noted that Mr. Anderson was “lying supine on the floor in the dorm and officers were performing CPR.”
  - At 1131, “nurse began giving rescue breaths with ambu bag.”
  - Nurse administered “Narcan” at 1131, 1133, 1135 & 1137.
  - “EMS arrived at 1140”
  - “EMS departed at 1158”

According to the Extraordinary Occurrence Report and Incident Reports, Mr. Moman Ellis Anderson was found in J4 dorm 4B on 03/12/2022 at 1126. He was “laying at the rear of the dorm between the bunks.” He was “unconscious” and “not breathing.” “His face was a slight blue color and he had no pulse.” Officers pulled Mr. Anderson “into the day room, due to the small space” in the dorm and CPR began immediately. Narcan was given. “DVR footage shows at 1116 inmate Anderson departing the shower area acting as if he was in distress, pacing back and forth and eventually walking to the back of the bunk area then collapsing on the floor.” “Approximately 8-10 minutes passed before inmates in the dorm contacted the control room stating that there was a possible overdose in the dorm.” “The Louisville Fire Department and Metro Emergency Medical Services arrived and continued live saving measures for approximately 20 minutes before he was placed on the stretcher and departed the dorm.”

The Preliminary Medical Examiner/Autopsy Report states the preliminary diagnoses from the autopsy on 03/13/2022 indicated a pending toxicology report and the manner of death is pending. The following were noted: 1) Cardiac hypertrophy; 2) Coronary artery atherosclerosis, marked; 3) Hepatosplenomegaly; 4) Minor cutaneous contusions of torso and extremities; 5) Postmortem urine drug screen positive for amphetamine, MDMA, methamphetamine and buprenorphine; 6) Black latex glove between buttocks, recovered and submitted to LMPD/CSU.

## **IMPRESSION:**

### **1. Review of records from LMDC officers was inconsistent and incomplete. This included blanks, late entries, and gaps in observation:**

- Concern – Classification – Blanks – 03/09/2022 at 1301 “#3 Needs” BLANK r/t: Mental Health (MH) – Inmate Records File indicates that Mr. Anderson was charged with failure to complete treatment for substance abuse; and use of controlled substance – Methamphetamines.
- Concern – Extraordinary Occurrence Report – Blanks – 03/12/2022 at 1126 pg. 1 of 11 – “if Death – Did victim exhibit signs of illness prior to death” - BLANK – “Was victim examined by physician prior to death?” – BLANK
- Concern – Walk and Observation Sheets – Gaps in Observation
  - 03/10/2022 – 1<sup>st</sup> Shift – N -- Gap
    - 1203
    - 1305
  - 03/10/2022 – 1<sup>st</sup> Shift – D7 -- Gap
    - 1155
    - 1258
  - 03/10/2022 – 2<sup>nd</sup> Shift – 4<sup>th</sup> Floor -- Gap
    - 1400
    - 1524
  - 03/11/2022 – 2<sup>nd</sup> Shift – 4<sup>th</sup> Floor -- Gap
    - 2034
    - 2141
  - 03/11/2022 – 3<sup>rd</sup> Shift – 4<sup>th</sup> Floor -- Gap
    - 0030
    - 0140
  - 03/11/2022 – 3<sup>rd</sup> Shift – 4<sup>th</sup> Floor – Dorm 8 --Gap
    - 0039
    - 0142
  - 03/12/2022 – 1<sup>st</sup> Shift – 4<sup>th</sup> Floor -- Gap and Late Entry

- 1020
- 1149 “Medical Emergency”
  - 03/12/2022 – 1<sup>st</sup> Shift – 4<sup>th</sup> Floor -- Gap
- 1149
- 1307
  - 03/12/2022 – 1<sup>st</sup> Shift – 4<sup>th</sup> Floor – Walk 8 -- Gap
- 1015
- 1120
  - 03/12/2022 – 1<sup>st</sup> Shift – 4<sup>th</sup> Floor – Walk 8 -- Gap
- 1210
- 1317
  - 03/12/2022 – 2<sup>nd</sup> Shift – N -- Gap
- 1400
- 1529
  - 03/12/2022 – 2<sup>nd</sup> Shift – D8 -- Gap
- 1400
- 1557

**2. Equipment, technology, building and design of medical facility are not conducive to perform/render appropriate and required inmate/patient monitoring, medical care and nursing care:**

- Concern – Extraordinary Occurrence Report – 03/12/2022, pg. 3 of 11 – Inmate Monitoring: The DVR footage shows Mr. Anderson departing the shower area acting as if he was in distress, pacing back and forth and eventually walking to the back of the bunk area then collapsing on the floor at 1116. It was not until 1126 or 1128 (10 – 12 minutes later) inmates in the dorm contacted the control room about a potential “overdose.”
- Concern – Walk and Observation Sheets – 03/12/2022 2<sup>nd</sup> Shift, pg. 2 of 3 -- Inmate Monitoring: Observation sheet from Dorm 7, 2<sup>nd</sup> shift incomplete. Documentation starts at 2122 related to “new sheet – inmate tore down original sheet and flushed it 2030.”

**3. Policy needed for drug screenings (urine, blood, etc.) for inmates on initial intake and subsequently throughout incarceration; specifically, in identified individuals and population areas of concern. This policy needs to include the use of K-9 units throughout LMDC. In addition, another policy needs to include subsequent and random drug screenings for all staff of Wellpath and LMDC, to include K-9 unit use for detection as well:**

- Concern – Preliminary ME Report – 03/13/2022, pg. 1 of email – Drug Screenings and K-9 Units Used for Detection for Inmates and Staff of LMDC and Wellpath -- Postmortem urine drug screen positive for amphetamine, MDMA, methamphetamine and buprenorphine. In addition, a black latex glove was found between Mr. Anderson’s buttocks that was recovered and submitted to LMPD/CSU at autopsy.
- Concern – Shift Report on 03/11/2022 – 1<sup>st</sup> Shift – pg. 4 of 6 - EI# 118567– Drug screenings for inmates throughout incarceration; specifically, in identified individuals and population areas of concern – Mr. Moman Ellis Anderson was housed in J1-R-2 on 03/11/2022 at the time of this incident and the hospital transport of three other inmates on J1.
- “On 3-11-2022 at 1200 Inmate Bates, Jordan # 603236 laying on the floor in front of J1 SGT Office.” “I/M Bates face was turning blue/purple. Officers started CPR/Chest compressions.” “Officers cleared and escorted all inmates to holding cell.” “While officers were escorting all inmates.” “I/M Barth, Peter #492886 became unstable on his feet and was placed in a chair.” “Inmate Bates was given 3 doses of Narcan.” “I/M Barth was given two doses of Narcan.” “AED was placed on both inmates but not used.” “When I/M Barth came to he told officers that I/M Bates and his self a long with a 3<sup>rd</sup> inmate named Geary, Jacob # 643079 found a bag of an unknown powder in the sally cage area and all 3 inmates took the powder.” “Officers found a clear bag that might have had something unknown in it but was empty.” “I/M Geary, Jacob # 643079 was assisted by medical and sent to U of L by EMS with the other two inmates.”
- Concern – Shift Reports on 03/12/2022 at 1530 & 1840 – 2<sup>nd</sup> Shift – pg. 4 & 5 of 7 – EI# 118601 & EI# 118604 – Drug screenings for inmates throughout incarceration; specifically, in identified individuals and population areas of concern – The J4-4B

- dorm was searched by K-9 and other officers. This is where Mr. Anderson was housed and found “unconscious” and “not breathing” earlier that day at 1126.
- EI# 118604: “On 03/12/2022 at 1530 SORT was activated due to an incident that happened in J4-4B reference EI#00118594 for a shakedown of the entire 4<sup>th</sup> floor.” “All inmates were removed from their dorms; pat searched in the hall and placed the J3 gym or J4 multipurpose room.” “LMPD K-9 detectives were used for this activation to assist with searching the dorms.” “Any inmates property that were points of interest for the K-9’s the inmates related to that property were taken to the body scanner.” “I/m Thompson, Kevin #642325 was found to have an unknown pill and a partial Xanax pill on his dorm property.” “I/m Thompson will be written up and moved.” “Loose tobacco was found in J3-3B in a common area.” “A lighter was found underneath the trash bag in the trash can in J4-1A.” “A smoking wick and razor were found in J4-6B.” “A lighter was found by the trash can in J4-6A.” “More contraband was found in J4-4B reference EI#00118601.”
  - EI# 118601: “On 03/12/2022 at 1840, officers searched a bunk in J4-4B where a K-9 hit on.” Underneath the bunk was a newspaper with a small pop tart wrapper wrapped in plastic cellophane” “Upon opening and inspection, a crystal-like substance of what appears to be methamphetamine.” “LMPD K-9 Detective Thomas Barth tested the crystal-like substance with the Thermoscientific TruNarc Scanner and it tested positive for methamphetamine.”

**Additional information and documents still needed to review for completion of a finalized report related to Mr. Moman Ellis Anderson’s incarceration, medical care and death:**

- Justice and Public Safety Cabinet: Kentucky Department of Corrections – Review of In-Custody Death Review
- PIU Report related death on 03/12/2022
- PSU Report related to death on 03/12/2022
- DVR of incident
- Officer body camera video related to death and incident on 03/12/2022
- Final ME Report with toxicology results and manner of death including testing of contents in black glove found on Mr. Anderson during autopsy.

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**Thomas G. Bradshaw**  
**DOB: 03/20/1979**  
**Inmate # 00493132**

**History:** According to LMDC records, Mr. Thomas Bradshaw was arrested on 8/16/22 and charged with TBUT under \$500 and criminal trespassing. He was initially deferred from jail processing due to a wound on his leg and sent to ULH-ER for evaluation and subsequently brought back to LMDC and processing began around 8:24 AM. He was assigned to detox from opioids for 7 days. On 8/22/22 he was found hanging and unresponsive in a holding cell with his dorm pants wrapped around his cell bars and his neck. He was taken to ULH where he subsequently died apparently from his anoxic brain injury on 8/22.

The following LMDC and Wellpath information/documents between the dates of 8/16/2022 and 8/22/22 related to Mr. Thomas Bradshaw's incarceration, medical care were reviewed:

- LMDC Inmate Classification
- LMDC Arrest Warrant
- Wellpath Medical Records
- LMDC Inmate Detail Report
- LMDC Inmate Notes
- LMDC Incident Report
- Justice and Public Safety Cabinet Correspondence
- Preliminary Medical Examiner/Autopsy Report
- LMDC Classification Intake Screening /Cell transfers
- LMDC Shift Logs
- LMDC Shift Reports
- LMDC Walk an Observation Sheets
- LMDC Extraordinary Occurrence Report (EOR)
- LEMS Run Call Record

**Arrest Citation:**

- TBUT shoplifting under \$500,

- Criminal Trespassing 3<sup>rd</sup> degree

**Intake Classification:**

- Detox - Clinical Opiate Withdrawal Scales (COWS) - (heroin use) and General Population
- Screening Initially deferred due to taken to UL-ER due to leg wound evaluation

**Incident Report #00122451**

**Cell Transfer Log:**

- J1P to J3/6A/8 Detox dorm on 8:25 on 8/16/22 at 0825
- Cleared from detox and moved from J3A TO HSW-02 on 8/21/22 at 1816
- MOVING TO H6 Dorm 5 per Sgt Sacra on 8/22/22 at 1421 (which does not reflect DVR showing 1415) not a significant time discrepancy but throughout LMDC and Wellpath records the times are very consistently inconsistent.
- Sgt. Sacra noted in the Inmate Log of cell transfer that on 8/22/22, “checked out stated he fears for his life on H5 need to be moved off H5.” No additional information or mention in incident report.

**EOR (Extraordinary Occurrence Reports) – also include Incident Reports of this suicide event/ LMDC Incident Reports:**

- See attached #00122644 noting multiple officers and nurse reporting.

**Shift Logs/Shift Reports:**

- 8/22/22 on H5W 0600 Security Check and then not again until 1500
- H-5-E on 8/22/22 notes at 1400 and 1430 “all-secured”- DVR notes inmate started to undress and tie pants to cell bars which would be within this timeframe.
- Overtime on 8/22/22: 13 officers/2 supervisors

**Observation Logs:**

- First shift sheets note observation on 8/22/22 last entry at 1359 and then no entry until 2<sup>nd</sup> shift obs note at 1601
- Gaps in time, i.e., 2330 next entry 0001 hours, then 0045
- Late entries, hard to read - scribbled notes
- “West hold” sheet has entry at 1416 “all secure” (1422 is when the DVR notes Mr. Bradshaw began tying his pants to bars).

**Wellpath Medical/Mental Health Records:**

- Nursing management of Mr. Bradshaw's blood pressure during his incarceration is a concern regarding multiple attempts to lower his hypertensive events (some of which would be considered hypertensive emergency) with several medication adjustments, his blood pressure remained substantially elevated, often at a critical level where more definitive care should have been sought (ER).
- On 8/21/22 at 03:36 B/P was 220/140 and heart rate of 106; nurse notified APRN and order for carvedilol was ordered to be given one-time dose. Also, his maintenance hydralazine was increased to 75mg every AM. An entry at 06:02 noted patient refused the one-time dose to quickly lower blood pressure, yet it is documented in the EMAR and no other assessment or intervention is noted until the next day when his V/S were taken again on 8/21/22 at 1119.
- However, at pill call the same day (8/21/22) at 3:25PM hours before the above incident, there is a nursing note where during pill call inmate fell to the floor and his B/P was 170/104. They put him to bed, did a brief assessment looking for stroke, but since he was responding appropriately, no other treatment initiated despite notifying APRN. (Stroke is one complication in uncontrolled hypertension.)
- There are numerous recordings of elevated blood pressure readings that should have been reassessed more frequently and consideration for intervention. See attached V/S sheet.
- Documentation of wound care is scant with one notation where Mr. Dunbar refused wound care (8/18/22 at 4:44). However, no documentation that noted wound assessment except once on 8/18/22 at 01:52.

He was receiving Bactrim ordered by ULH-ER for cellulitis of leg but in one note by APRN it was noted he was to have dressing changes with Dakin's solution wet to dry - no notation of this being done.

**In a letter dated 09/19/2022, from LMDC response to the Justice and Public Safety Cabinet, Kentucky Department of Corrections, see LMDC response to deficiency related to 501 KAR 3:060 (see attached LMDC response-remediation).**

- Deficiency of entries that exceed the 60-minute requirement for direct in-person surveillance of each prisoner. (20-minute intervals if certain schedules such as

suicidal, detox or emotionally disturbed). Unclear if single holding cell falls into the latter category.

**IMPRESSION:**

- Lack of appropriate observation by LMDC corrections staff of inmate in single cell resulting in significant time lapse before detection of attempted suicide.
- If DVR was available, should a person have been monitoring? There was a timed video of 49 minutes where no one observed the monitor for Mr. Bradshaw's activities.
- Observation in person is lacking and in violation of statute.
- Staffing patterns for LMDC officers merit review for forced overtime as this may result in inattention/laxity in performing duties.
- Questionable preparedness in medical emergency situations:
  - Inadequate communication systems to call for Emergency
- See Incident report 00122644(h) where Officer Salman runs to notify another officer, then goes to unlock the key box to get key to open cell door. Concern over time involved.
- Incident report 00122644 - there are reports of several officers attempting to lift inmate to take pressure off his neck so noose could be removed, unclear how long it took enough personnel to do this and whether appropriate tools such as shears or Knife for Life were readily available. Same report (f) Bryant notes he left scene to get CPR mask and could not find it.
- There is a need to standardize code response/location of all emergency supplies (which are checked daily). A grab-and-go bag should be available in all areas of jail complex for easy accessibility by all personnel.
- Medical care does not meet appropriate standards of care with regard to assessment, documentation of problems (Cellulitis/Uncontrolled Hypertension, possible hypertensive emergency) and timely intervention.
- Several late entries are noted and appears the one-time order for the Carvedilol to be given immediately to lower extreme B/P was refused and yet appears documented.

- One medication (Hydralazine) was used to lower B/P for several days, despite escalation of dose not improving. Alternative maintenance drugs such as ACEI or ARB should have been considered.
- COWS assessments, although theoretically complete, had opportunity to document additional assessment of status particularly blood pressure and what intervention or a prompter reassessment was needed.
- Medical had no direct involvement in his attempted suicide except to respond to the emergency.
- The standard of care for documentation is incomplete as his incarceration was over seven days and very few nursing notes documenting overall assessment and intervention for his two concerns of uncontrolled blood pressure and cellulitis.
- There is also concern over the different time clocks used. (Medical uses 12-hour clock and LMDC uses 24-hour clock.) This can easily create confusion if not careful in checking/following records.

Additional information and documents still needed to review for completion of a finalized report related to Mr. Thomas Bradshaw's incarceration, medical care, and death:

- Copy of letter *sent* to LMDC from the Justice Cabinet (Corrections) noting deficiencies.
- Body Cam video of incident
- Records of Treatment at ULH after attempted suicide resulting in death.
- Medical Examiner Report

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**Excerpt from Incident Report #00122644 illustrating DVR timeline in review:**

Sgt. Chaney investigated the incident further by reviewing the DVR in H5 dorm 9. It appears at approximately 1415 hours Inmate Bradshaw is placed in H5/dorm 9/ holding cell due to checking out of H5/dorm 2. Inmate Bradshaw then lays down on the bench in H5/dorm 9 holding cell. At approximately 1422 hours, Inmate Bradshaw removes his pants and ties them around his neck and then ties it to the holding cell bars. Inmate Bradshaw then stands on top of the bench and attempts to jump off while the pants are tied around his neck. Inmate Bradshaw lands on his feet and then steps back up on the bench. Inmate Bradshaw then steps down off the bench and the pants tied around his neck appear to apply more pressure at approximately 1428

hours. Inmate remained with the pants tied around his neck connected to the bars until approximately 1511 hours when Officer Bruce enters the dorm and notices Inmate Bradshaw with pants tied around his neck and unresponsive. Officer Bruce immediately attempts to cut the pants from the bars and notified the other floor officers he needed assistance. Officer Salman then enters the dorm and opens the holding cell and assists with removing the pants from his neck. Responding officers then start CPR and apply the AED, while notifying Sgt. Chaney and main control. Sgt. Chaney arrives shortly after being notified while responding officers continue to conduct CPR on Inmate Bradshaw. Shift command and PSU were notified. EOR

1415 hours Inmate Bradshaw placed in H5/Dorm 9/ Holding cell due to checking out

1422 hours Inmate Bradshaw appears to start tying jumpsuit pants around his neck

1428 hours Inmate Bradshaw appears to have applied pressure around his neck with pants

1511 hours Inmate Bradshaw is found with pants tied around his neck and unresponsive

1512 hours Responding officers start CPR and notified Sgt. Chaney

1515 hours Officer Ray notified main control to contact EMS and medical

1516 hours main control notified EMS and LFD

1517 hours Sgt. Chaney notified shift commander Lt. Stanfield

1517 hours LFD arrives to the sally port

1518 hours EMS arrives to the sally port

1518 hours LFD arrives to H5/Dorm 9

1519 hours EMS arrives to H5/Dorm 9

1533 hours Inmate Bradshaw is loaded onto EMS stretcher

1537 hours EMS departs the floor with Inmate Bradshaw

1542 hours EMS departs the Sallyport with Inmate Bradshaw with Officers Ray and Trowell escorting

3/14/2018	11:30 PM 3/15/2018 4:12 AM	Completed	0	No	N/A	No	No	N/A
11/4/2017	11/4/2017 2:00 PM	Completed	0	No	N/A	No	No	N/A
3/21/2017	3/21/2017 4:00 PM	Completed	0	No	N/A	No	No	N/A
1/2/2017	1/2/2017 9:20 AM	Completed	0	No	N/A	No	No	N/A

Special Needs						
Type	Special Need	Observed Date	Start Date	End Date	Associated Diagnosis	Status
Detox/MAT	DMO(Deny Monitor Only)	3/21/2017	3/21/2017	N/A	N/A	Active
Detox/MAT	Heroin	1/2/2017	1/2/2017	N/A	N/A	Active

Vitals															
Date	Pulse	Resp.	Temp.	Wt.	Ht.	B.P.	GERD Score	BMI	B.S.	A1C	Fasting	POx	O2	Amt.	P.F.
8/28/2017 6:52 PM EST	74	15	98.20	155.00	73.00	136/84	N/A	20.4	N/A	N/A	No	99	No	N/A	N/A
8/22/2022 11:19 AM EST	86	18	97.60	N/A	N/A	119/97	N/A	N/A	N/A	N/A	No	98	N/A	N/A	N/A
8/21/2022 3:36 AM EST	106	16	97.20	N/A	N/A	220/140	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8/21/2022 3:16 PM EST	98	N/A	N/A	N/A	N/A	178/104	N/A	N/A	N/A	N/A	No	98	N/A	N/A	N/A
8/21/2022 12:22 PM EST	115	18	97.60	N/A	N/A	154/110	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8/20/2022 4:51 PM EST	121	18	99.60	N/A	N/A	178/104	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8/20/2022 4:04 AM EST	100	16	97.00	N/A	N/A	168/78	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8/20/2022 11:58 AM EST	98	18	96.50	N/A	N/A	168/118	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8/20/2022 10:47 AM EST	97	16	N/A	N/A	N/A	154/98	N/A	N/A	N/A	N/A	No	97	N/A	N/A	N/A
8/19/2022 8:00 AM EST	108	18	98.00	N/A	N/A	152/88	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8/19/2022 3:00 PM EST	82	16	97.10	N/A	N/A	148/94	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8/19/2022 2:36 AM EST	77	16	98.10	N/A	N/A	172/123	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8/19/2022 11:30 AM EST	85	14	98.30	140.00	70.00	160/110	N/A	20.1	N/A	N/A	No	99	N/A	N/A	N/A
8/18/2022 8:00 AM EST	106	18	96.50	N/A	N/A	158/102	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Vitals cont'd															
Date	Pulse	Resp.	Temp.	Wt.	Ht.	B.P.	GERD Score	BMI	B.S.	A1C	Fasting	POx	O2	Amt.	P.F.
8/18/2022 4:40 AM EST	58	N/A	N/A	N/A	N/A	150/120	N/A	N/A	N/A	N/A	No	N/A	N/A	N/A	N/A
8/18/2022 3:00 PM EST	68	18	98.40	N/A	N/A	148/92	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8/18/2022 12:16 AM EST	84	16	97.70	N/A	N/A	192/132	N/A	N/A	N/A	N/A	No	N/A	N/A	N/A	N/A
8/17/2022 5:19 PM EST	74	18	97.60	N/A	N/A	160/120	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8/17/2022 4:57 AM EST	N/A	N/A	N/A	N/A	N/A	150/122	N/A	N/A	N/A	N/A	No	N/A	N/A	N/A	N/A
8/17/2022 3:35 AM EST	65	16	97.10	N/A	N/A	150/12	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8/16/2022 9:57 PM EST	87	16	98.00	N/A	N/A	158/104	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8/16/2022 8:24 AM EST	74	18	98.10	153.00	N/A	180/100	N/A	N/A	N/A	N/A	No	97	N/A	N/A	N/A
8/16/2022 7:51 AM EST	74	18	98.10	N/A	N/A	180/100	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8/16/2022 7:51 AM EST	74	18	98.10	N/A	N/A	180/100	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A



**Andy Beshear**  
GOVERNOR

**JUSTICE AND PUBLIC SAFETY CABINET  
DEPARTMENT OF CORRECTIONS**

P.O. Box 2400  
Frankfort, Kentucky 40602  
Phone: (502) 564-7290  
Fax: (502) 564-0401

**Kerry Harvey**  
SECRETARY

**Cookie Crews**  
COMMISSIONER

September 16, 2022

Jerry Collins, Director  
Louisville Metro Department of Corrections  
400 South 6th Street  
Louisville, KY 40202

Mr. Collins,

As part of a standard review of in-custody deaths in jails in Kentucky, the Jail Services Specialist assigned to your county, completed a preliminary review for violations of the KY Jail Standards by obtaining various documents from you and your staff. Those documents were submitted to me for further review for violations of KY Jail Standards. My review indicates the following KY Jail Standard was violated regarding the Thomas Bradshaw incident:

**501 KAR 3:060. Security; control.** Section 2. Prisoner Supervision. (1) Jail personnel shall conduct and document direct in-person surveillance of each prisoner on an irregular schedule, at least every sixty (60) minutes. (2) Jail personnel shall conduct and document direct in-person surveillance of each prisoner on an irregular schedule, at least every twenty (20) minutes on the following classes of prisoners: (a) suicidal; (b) mentally or emotionally disturbed; (c) in detox cell.

**Notes: Documents provided for review reflect entries that exceed the sixty (60) minute requirement.**

Please review the non-compliant item and submit a written plan of action to the Division of Local Facilities within 15 days of receipt of this correspondence. You must submit a written plan of corrective action and any supporting documentation electronically to: [Jail.inspections@ky.gov](mailto:Jail.inspections@ky.gov). The corrective action for each item must include:

- Plan to correct non-compliant item
- Time frame within which the item will be in compliance

Please feel free to contact this office if you need assisting in developing or implementing a corrective action plan.

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**Stephanie Dunbar**  
**DOB: 4/15/1973**  
**Inmate # 00537579**

**History:** According to LMDC records, Ms. Stephanie Dunbar was booked into the Louisville Department of Corrections (LMDC) facility in Jefferson County, KY, after being arrested on 11/30/21 at 1319 hours. Her arrest slip noted a Class C felony charge of Assault 2<sup>nd</sup> degree which related to fighting with another person and using a knife to cut that individual in the face and head.

The following LMDC and Wellpath information/documents between the dates of 11/30/21 through 12/5/2021 related to Ms. Stephanie Dunbar's incarceration, medical care and death were reviewed:

- LMDC Inmate Classification
- LMDC Arrest Warrant
- Wellpath Medical Records
- LMDC Inmate Detail Report
- LMDC Inmate Notes
- LMDC Incident Report
- Justice and Public Safety Cabinet Correspondence
- Preliminary Medical Examiner/Autopsy Report
- LMDC Classification Intake Screening /Cell transfers
- LMDC Shift Logs
- LMDC Shift Reports
- LMDC Walk an Observation Sheets
- LMDC Extraordinary Occurrence Report (EOR)
- LEMS Run Call Record

**Arrest Citation:**

- Felony Assault (2<sup>nd</sup>) - (alleged altercation with another and cut the person with a knife in face and head)

**Intake Classification:**

- PREA Screening - No to all questions including “any history of assault toward others?”
- No signature of inmate on this form as required

**Inmate Report:**

- Notes incompatibility with 4 other female inmates due to altercations and/or harassment

**Cell Transfer Log:**

- 11/30/21 1319-1624 Passive
- 11/30/21 at 1624 until 12/3/21 at 1244 J2-1A
- There is no note pertaining to length of time in client-attorney booth or any observation during that time period of time in the client-attorney booth. It is only noted in the Incident report #00045702 that due to altercation in J2-1A on 12/3/21 at 0131, three inmates were removed from the dorm, separated and placed in client-attorney booths and multipurpose room as there were no single cells available.
- 12/3/21 at 1244 - moved to J2-1B due to harassment by inmates on J2-1A.
- It appears that she was in this dorm until the altercation on 12/3/21 at 2051 where she and another inmate (Keltner) had an altercation and when fight was being broken up by officers, other inmates pushed Ms. Dunbar, resulting in her being taken from that dorm and placed in “hold cell.” No description of hold cell location but *may* have been the attorney-client booth.
  - See Incident #00116657
- There is a comment in Sgt. Elmore’s incident report (#00116658) that states, “inmate Dunbar was in the attorney-client booth due to a previous altercation and stated she was not going into a dorm due to people trying to jump her. There were currently no single cells available.”

**EOR (Extraordinary Occurrence Reports) -also include Incident Reports of this suicide event**

- #00116678 First statement by (Sgt. Elmore) with additional officer reports attached
- Incident time 12/4/21 at 1451 J2 Attorney Booth

- Upon return from break, Officer Spillman sees Ms. Dunbar foaming at the mouth and further realizes she is hanging from something attached to ceiling vent (urine-soaked jumpsuit pants).
- Ms. Dunbar was removed from the hanging pants, placed on the floor and assessed for responsiveness; when none was elicited, CPR was initiated followed by multiple staff/medical personnel assisting.
  - See review of video body cam.
- Per EMS run log, they were notified at 1458 and arrived at 1506.
- After several doses of Narcan/intubation, her rhythm showed Pulseless Electrical Activity (PEA) and she was transported to ULH, where she was pronounced dead at 1558.
- Incident report under this same # by Officer Timothy Meyer states:

“On December 4, 2021 I Sgt. Myers-Angeline, heard a radio transmission for a medical emergency on J2 and responded. Upon arrival I witnessed Officers and Medical staff performing CPR on Inmate Dunbar, Stephanie (537579). I Sgt. Myers-Angeline stood by if any assistance was needed. Prior to this medical incident I had made contact with Inmate Dunbar while conducting Fire Extinguisher checks @ approximately 1327 hours as I saw Inmate Dunbar with one foot on the ledge in the attorney booth trying to dry her pants under the vent as she stated. I, Sgt. Myers-Angeline advised her to get down from the ledge and continued the task of checking fire extinguishers on the floor after making contact. This concludes my involvement with this incident.”

Sgt. T. Myers-Angeline #376

- Officer McNeese in same incident report he notes that due to not having good cellphone service he had to go to Sgt. Office on J2 to use landline to call Sr. Staff as the Lieutenant’s cell phone could not get a signal from the area of the jail where incident was transpiring. He also gave PIU/PSU statement, and this is the only incident entry made by anyone involved about interaction with PIU/PSU.
  - Concerns about rapid communication within the jail.
  - Concerns about no PIU/PSU reports forwarded for review.
- Same incident report by Nurse Hopkins notes: “This nurse was on her way back from break, inmate was observed hanging from ceiling foaming at mouth. Medical notified

for back up and immediately started life performing measures that were given till EMS arrived. EMS rendered care and departed to hospital EOR- Hopkins, RN”

- Concern: Per video body cam, Officer Spillman and unknown person spent about 40 seconds trying to arouse inmate with sternal rubs and slapping foot before initiating CPR. Unable to see if they immediately checked for pulse or breathing.

**LMDC Incident Reports:**

- #00045702 (Officer Michael Scott) 12/3/21 at 0131
- Inmates fighting on J2-1A resulting in 3 inmates being escorted out and separated. Note reads, “all parties separate areas, i.e., attorney booths, multipurpose room.”
- In his account of this incident, he notes Ms. Dunbar resisting while trying to engage other inmates and had to be taken down in hallway using force in order to gain compliance for transfer to separate area. All inmates refused medical treatment. Ms. Dunbar refused to give a statement regarding incident.

**Shift Logs/Shift Reports:**

- J2 Dorm - No area identified such as A1 or A2
- No documentation of security check from 0754 - 1616

**Observation Logs:**

- Very messy, mostly illegible and times appear to be inconsistent, such as same time given for different areas.

**Wellpath Medical:**

- PREA assessment notes a “no” answer to question of any history of assault toward others? Form not signed by inmate.
- On 12/4/21 at 0900 her Clinical Institute Withdrawal Assessment (CIWA) evaluation was done, noting no complaints except mild nausea. No anxiety is mentioned; however, her anxiety is mentioned in LMDC incident reports. There is also no mention of where inmate was evaluated which most likely would have been the attorney-client booth according to timelines in LMDC notes.
- *See attached CIWA assessment tool.* It specifically asks if patient has had a negative visit with friends, family, or court outcome for which the nurse documented “no.” Also, there is a question regarding experiencing feelings of hopelessness, again the answer is “no.” However, there is a section for additional narrative/notes and it

specifies on the form for each assessment that even if all answers are “no,” if there is additional concern about patient to refer to BH/MH. This was never addressed on any CIWA assessment.

- Nursing Progress notes are inconsistent, late entries with no notes alluding to evaluation of inmates after altercation except a sentence in incident report where medical offered evaluation and it was denied by inmates.
- A mental health assessment was never requested by either medical or LMDC personnel after numerous altercations involving Dunbar with her documented agitation with each encounter requiring a physical separation intervention. She was on her last day of detox and although the CIWA assessment does ask a question about self-harm which is documented as a “no,” but these are done three times daily and may or may not have captured much information that a more structured interview might have obtained.
- There was no response from APRN when nurse notifies of abnormal V/S on CIWA evaluation.
- In Nurse Hopkins’ recount of incident on 12/4/21, she states inmate tied pants to “sprinkler” on ceiling, not on the vent, as described by LMDC.
- Nurse Hopkins notes in progress note entry at 1635 in her recount of the suicide event and resuscitation that inmate Dunbar was given multiple doses of Narcan without response and when EMS took over care, she appeared to show a cardiac rhythm without a pulse (PEA) when transported to ULH.

**Inmate Notes:**

- 11/30/21 at 1442 Nurse Harris notes Detox BB 5 days on GP

**The Preliminary Medical Examiner/Autopsy Report states:**

- Suicide by hanging
- Toxicology Pending
- S/P resuscitation efforts

\*Sgt. Beatty PIU lead in this case

**In a letter dated 01/19/2022, from the Justice and Public Safety Cabinet, Kentucky**

**Department of Corrections:**

- A standard review of jail-related deaths in Kentucky was completed. No violations were found in the review of the death of inmate Stephanie Dunbar on 12/5/21.
- However, in a letter dated 3/18/22, it is noted that “there may be some discrepancies with the records that were submitted for the review of the death of Stephanie Dunbar that occurred on December 4, 2021. As such, Local Facilities will keep this incident review in pending status and await updated documentation/information from Louisville Metro Department of Corrections.”
- There was no other correspondence remitted for review.

**Open Records Request:**

- An open records request is noted in the files sent to me from Attorney G. Trenton Burns, Esq., for the Sam Aguiar Law Firm based upon pending litigation.

**IMPRESSION:**

- Review of records from Wellpath and LMDC are inconsistent and incomplete. This includes gaps/omissions in observation assessment, movement, and medical care.
  - Nursing progress notes convey late entries, little/no evaluation of Ms. Dunbar and her location in the system. No notes from APRN when notified of abnormal V/S on CIWA.
  - Her CIWA assessments lack any notation of her disruptive behavior and altercations/need for separation, where it is clearly indicated to note.
  - No evaluation or mental health assessment after initial intake despite numerous altercations/movements within the jail system and history of mental illness and substance abuse.
  - Documentation lacking from LMDC regarding inmate Dunbar’s movement within the jail and lack of observation/assessment/placement of at-risk individual.
  - Assessment of clinical unresponsiveness and prompt initiation of CPR is questionable but relates to LMDC staff as well as Medical.

**Additional information and documents still needed to review for completion of a finalized report related to Ms. Stephanie Dunbar’s incarceration, medical care and death:**

- Final ME report
- Wall-mount Video of Hall and Room Observation prior to the incident in J2 Attorney-Client booth (unable to view format)

- PIU Reports
- Correspondence between the Justice Cabinet/Kentucky Department of Corrections and LMDC apparently not in these files
- Records from UL Hospital from ER 12/5/21
- Additional observation notes, if any, records of hold cell policy.

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**Kenneth Lee Hall**  
**DOB: 05/17/1962**  
**Inmate # 00642989**

**History:** According to LMDC records, on 11/09/2021 at 1900, Kenneth L. Hall, DOB: 05/17/1962, was booked into the Louisville Metro Department of Corrections (LMDC) facility in Jefferson County, KY, after being transferred from the Boone County Jail. He was charged with failure to register as a convicted sex offender, a term of his probation and parole. He remained incarcerated at LMDC until his death on 11/29/2021.

Kenneth Hall was found in his cell (J2W-W3) on 11/29/2021 at approximately 1618 unresponsive, without a pulse and not breathing. Cardiopulmonary Resuscitation CPR was initiated at approximately 1623. At ... Louisville Fire & EMS arrived at LMDC and at ... he was transported to the University of Louisville Hospital's Emergency Department via Louisville Fire & EMS. He was pronounced dead in the ER at 1659.

**The following LMDC and Wellpath information/documents between the dates of 11/09/2021 through 11/29/2021 related to Mr. Kenneth Hall's incarceration, medical care and death were reviewed:**

- LMDC Inmate Classification:
- Wellpath Medical Records
- LMDC Inmate Detail Report
- LMDC Inmate Notes
- LMDC Incident Report
- Justice and Public Safety Cabinet Final Review
- Preliminary Medical Examiner/Autopsy Report
- LMDC Classification Intake Screening
- LMDC Shift Logs

- LMDC Shift Reports
- LMDC Walk and Observation Sheets
- LMDC Extraordinary Occurrence Report (EOR)

**The Intake Classification, Report and Inmate Notes**

- Charge: Felony (Failure to Comply with Sex Offender Registration)
  - Moved to J2W3Cell 1 for Suicide Watch/Medical

Kept there after release from suicide watch, unclear rationale, although “housing manipulation” was noted as possible reason for continued placement in J2W3C1.

**Wellpath Medical** Records describe Mr. Hall’s medical care while incarcerated:

(Timeline)

- 11/9/21 Initial intake screening noted history of essential hypertension with unknown medication, reported last dose was 11/8/21. Inmate told screening nurse he had hip surgery at St. Joseph Hospital in Lexington five weeks ago and had a colostomy by history. He presented in a wheelchair. He also admitted to self-harm by cutting and had attempted suicide in past by starvation. Initial vital signs are normal except HR 123.
  - Problem List 11/10/2021 notes Primary Hypertension as only diagnosis.
- 11/9/21 Suicide Assessment by Mental Health and placed on Level II Suicide Watch and assigned to J2W3C1 for that reason. He was released from this watch the following day with a 3-5 observation period with PRN MHP follow-up. He remained in this cell location for his entire incarceration until death. It is unclear if this was for Medical Watch.
- 11/10/21 He was evaluated for hip pain by APRN and Meloxicam ordered. Note also states request HSA to try to locate emergency contact and get records from St. Joseph (p.79).
- 11/12/21 A Progress Note by LPN documented red, beefy, excoriated, and bulging stoma. APRN notified and Bactrim DS ordered BID for 7 days.
- 11/24/21 Provider Note observes stoma bulging, beefy red and skin excoriated and beefy red surrounding stoma. Vital signs taken and are WNL. (This is the only other V/S in chart since intake).

Sent to ULH-ER.

- 11/26/21 Nursing progress notes patient covered in feces from head to toe. Attempts to cleanup/shower and inmate refusing.

Notes redness to groin area and right arm. Tries to educate on hygiene and notifies charge nurse. By this date, there are now 3 problems noted on Problem list:

- Primary Hypertension-Chronic
- Enterostomy Malfunction-Chronic (UL-ER)
- Cutaneous Abscess-Acute (UL-ER)
- 11/29/21 Multiple Nursing Notes describing the event associated with Mr. Hall’s eventual death.
  - The nurse saw inmate on floor and “watched to see if breathing” and then goes to the bathroom. When she returns, he has not moved so she summons help to find him unresponsive. EMS is called and code situation begins. He is transported to ULH and pronounced dead at 1659.

**The Incident Reports** from both the Medical and LMDC Officers are consistent in general description of the who, what, when and how of finding Mr. Hall. There are some discrepancies in the nursing note from LPN Hunter, who actually found the patient, in terms of times documented. Shift logs show most are late entries and timing of security checks are inconsistent. The Observation log for J2W3 shows a lag of 1548-1644 on the date of incident which would include the timeframe of Mr. Hall’s unresponsiveness.

**The Preliminary Medical Examiner/Autopsy Report states**

Manner of Death: **Pending**

Hypertensive Cardiovascular Disease-Cardiomegaly

S/P intestinal surgery

No lethal injuries

S/P resuscitative measures

Toxicology/histology pending

Superficial excoriation of skin over right abdomen and right back

**In a letter dated 01/09/2022, from the Justice and Public Safety Cabinet, Kentucky Department of Corrections**, a standard review of jail-related deaths in Kentucky was completed. No violations were found in the review of the death of inmate Kenneth Hall on 11/29/2021.

## **IMPRESSION:**

**Records from Wellpath and LMDC were inconsistent and incomplete. This included gaps in observation, assessment, and medical care:**

- Concerns-Wellpath Progress Notes (Incarcerated 20 days)
  - 11/10/22 A note by APRN with diagnosis of hip pain ordered Meloxicam for 14 days. His eMAR has no such medication noted. (p. 55)
  - No records are noted from St. Joseph Hospital Lexington despite request from APRN.
  - 11/12/22 Notes reflect red, beefy, gets order for antibiotic but no assessment by HCP only LPN.
  - Despite diagnosis of hypertension with previous medication management as well as potential signs of infection, vital signs only taken twice in 20 days (11/9 and 11/26).
  - Despite being in a Medical Watch area, no nursing care of colostomy was performed other than to give inmate colostomy bags to apply himself. No documented site care other than verbal education.
  - No further assessment of his 10-pound weight loss over the course of his incarceration.
  - Nursing documentation in addition to being incomplete with regard to the chronic problem list reflects nothing after UL-ER evaluation with an acute cutaneous abscess. No record of evaluation/plan from UL-ER or record of nursing implementing any management from that visit within days of death.
  - While all nursing notes recounting the evaluation and resuscitation measures are similar, the nurse who discovered the inmate unresponsive:
    - Noted the incorrect times in her notes at 1413 hours not 1618 which is documented in the video. She documents, “observed at 1413” on floor and then does not call for help until “1423,” a lag of 10 minutes. (Again, note the actual time was documented incorrectly as 2 hours before the incident.)
- Based on recounts from all who reported on the incident, there was an obvious lag time between observing inmate on floor initially and when actual hands-on evaluation

occurred. It was the inmate watcher who actually redirected the nurse to assess Mr. Hall.

- In review of resuscitation documentation, unsure why use of pulse oximeter to check pulse versus manually checking ABCs. If no circulation, unlikely to get adequate reading and O2 Sat that is documented is likely unreliable.
- It is unclear about the inmate “watcher” documentation as the observation sheet for that walk shows a time lag from 1548-1644. There was another incident occurring in dayroom around 1600 as well that required officer attention.
- Noted 7 officers on OT and 4 Supervisors on OT that shift.
- It is noted that communication systems are lacking with regard to immediate access to phones within inmate rooms or walks and call out for assistance from either medical or correctional staff is suboptimal.

**Additional information and documents still needed to review for completion of a finalized report related to Mr. Kenneth Hall’s incarceration, medical care and death:**

- Final ME report
- Video of Hall and Room Observation prior to the incident of J2 W3 Cell 1 (unable to view format)
- PIU Reports
- Medical Records from St. Joseph in Lexington prior to this incarceration if they were available
- Records from UL Hospital from ER 11/27 and 11/29.

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**Keith Renee Smith**  
**DOB: 12/20/1955**  
**Inmate # 00175849**

**History:** According to LMDC records, on 01/05/2022 at 2330, Keith Renee Smith, DOB: 12/20/1955, was booked into the Louisville Metro Department of Corrections (LMDC). He was charged with a failure to appear citation for Misdemeanor, Criminal Trespass – 3<sup>rd</sup> Degree. Mr. Smith remained incarcerated at LMDC until his death on 01/09/2022.

**The following LMDC and Wellpath information/documents, between the dates of 01/05/2022 through 01/09/2022 related to Mr. Keith Renee Smith’s incarceration, medical care and death were reviewed:**

- LMDC Inmate Classification
- Wellpath Medical Records
- LMDC Inmate Detail Report
- LMDC Inmate Notes
- LMDC Incident Report
- Justice and Public Safety Cabinet: Kentucky Department of Corrections – Review of In-Custody Death Review Letter and LMDC Response
- Preliminary Medical Examiner/Autopsy Report
- LMDC Classification Intake Screening
- LMDC Shift Logs
- LMDC Shift Reports
- LMDC Walk and Observation Sheets
- LMDC Extraordinary Occurrence Report

The Activity Details Report and Inmate Notes describe Mr. Keith Renee Smith was housed on J2W-W3, Bed #2 on 01/06/2022 at 0017 during initial processing. On 01/06/2022 he was placed on a “Hold 1” and at 1950 he was placed on a “Movelist” by a Mental Health Professional for transfer to J2W-W3/004. Mr. Smith was transported to UofL Emergency Room by “department vehicle” on 01/07/2022 at 2347 and on 01/08/2022 at approximately 0800 Mr. Smith returned to LMDC. On 01/09/2022 at 0957, Mr. Smith was found unconscious and was transported back to UofL ED via EMS at 1031.

Wellpath Medical Records describe Mr. Keith Renee Smith’s UofL Hospital ED visit on 01/08/2022 and again on 01/09/2022.

- Mr. Smith was admitted to the ED on 01/08/2022 at 0026 and discharged on 01/08/2022 at 0720. “Patient is a 66 y/o male with a medical history of hyperlipidemia, hypertension, schizophrenia, hepatitis C presented to the ED from jail for altered mental status.” “Per police, patient was found down and was not acting himself once they woke him up.” “Small amount of blood to nares noted by police.” “Patient is able to report that he was assaulted today while in jail, unable to report

mechanism or details.” “Possible acute comminuted nasal bone fracture.” “On clinical reexamination of patient, he was ambulatory, awake, alert and oriented.” “He was tolerating oral intake and within prior documented baseline.” “Patient was discharged from the ED for “General Assault” with return precautions and UofL ENT referral as an outpatient for comminuted nasal bone fracture in 2-3 days.”

- On 01/09/2022 at 1040, Mr. Smith was admitted to the ED in cardiopulmonary arrest.

The Incident Reports describe that on 01/07/2022 at 2342, Mr. Keith Renee Smith was found in his cell (“J2W3#4”) with “blood covering his face” and “wound be going to the hospital for altered mental status and an injury to his nose.” “Inmate Smith was found with a significant amount of blood resulting from an injury in his facial area that appeared to be pre-existing due to the coloration and consistency of the blood.”

According to Extraordinary Occurrence Report, Mr. Keith Renee Smith was found in his cell (J2W – walk 3, cell 4) on 01/09/2022 at 0957 “slumped over on his bed with blood on his jumpsuit that appeared to be coming from his nose and mouth.” He was unresponsive and officers placed him on the floor and chest compressions began immediately. An AED arrived at the scene 1001 and an oxygen tank and bag valve mask arrived at 1003. Officers attempted to provide ventilations and “Inmate Smith’s head was turned periodically due to the blood filling up his mouth.” A portable suction machine was requested at 1007 “due to the active bleeding from inmate Smith’s mouth possibly compromising effectiveness of the bag-valve-mask ventilations.” The Louisville Fire Department arrived at 1009 and Emergency Medical Services arrived at 1012. “At 1013 a suction machine arrived, and a nostril tube was inserted to try and gain access to an airway.” An officer “provided suction but was unable to remove any blockage due to equipment malfunction.” “EMS departed at 1025 with CPR still in progress and enroute to UofL ER at 1031.”

The Preliminary Medical Examiner/Autopsy Report states the preliminary diagnoses from the autopsy on 01/10/2022 at 0900 indicated a pending toxicology report, perforated duodenal ulcer and the manner of death is pending.

In a letter dated 02/22/2022 from the Justice and Public Safety Cabinet, Kentucky Department of Corrections, a standard review of jail-related deaths in Kentucky was completed. Two state violations were found in the review of the death of inmate Keith Renee Smith on

01/09/2022. A response to that letter by Louisville Metro Department of Corrections dated 03/01/2022. Both letters described below:

501 KAR 3:020. Administration; management.

Section 5. Information Systems. (3) A telephonic report to the department shall be made of all extraordinary or unusual occurrences within twenty-four (24) hours of the occurrence, and a final written report shall be made within forty-eight (48) hours. This report shall be placed in the jail record. Extraordinary or unusual occurrences shall include at a minimum: (a) Death of a prisoner.

**Violation #1:** “Telephonic report not made to the department within 24 hours. Incident discovered by JSS Crockett via news WHAS.”

**LMDC Response:** *“The missed telephonic report was an oversight on our part. This office will ensure moving forward the appropriate notifications are completed as required by designating a second staff member to verify the notification occurred.”*

501 KAR 3:060. Security; control.

Section 2. Prisoner Supervision. (1) Jail personnel shall conduct and document direct in-person surveillance of each prisoner on an irregular schedule, at least every sixty (60) minutes.

**Violation #2:** “First shift observation logs reflect time exceeded 60 minutes.”

**LMDC Response:** *“Our review of the observation logs demonstrates rounds conducted irregularly every thirty (30) minutes, which exceeds the KAR requirement of every sixty (60) minutes. It is unclear to us as to how the deficiency was determined. Please see attached records.”*

**IMPRESSION:**

**1. Records from Wellpath medical staff and LMDC officers were inconsistent and incomplete. This included blanks, late entries, and gaps in observation, medical care and assessment:**

- Concern – Classification – Blanks - 01/05/2022 at 2340 “#3 Needs” BLANK r/t: Protective Custody (PC), Medical (MD) & Mental Health (MH) with Wellpath Medical Records from UofL ED visit on 01/08/2022 stating a history of schizophrenia, hypertension, hyperlipidemia, hepatitis C, alcohol (ETOH) use and substance use (cocaine and marijuana).

- Concern – Extraordinary Occurrence Report – Blanks - 01/09/2022 at 0957 pg. 1 of 10 – “if Death – Did victim exhibit signs of illness prior to death” - BLANK – “Was victim examined by physician prior to death?” – BLANK
- Concern – Incident Report – 01/07/2022 at 2342 pg. 2 of 4 – Gap in Observation and/or Assessment – Officer was notified by “sanitation work-a-id about Mr. Smith’s need of medical attention,” “Inmate Smith was found with a significant amount of blood resulting from an injury in his facial area that appeared to be pre-existing due to the coloration and consistency of the blood.”
- Concern – Walk and Observation Sheets – Blanks, Gaps in Observation and Late Entries
  - 01/07/2022 – 1<sup>st</sup> Shift – W3 -- Gap and Late Entry
    - 0830
    - 0948 “Medical Emergency Dorm 10”
  - 01/08/2022 – 1<sup>st</sup> Shift – W1 -- Gap
    - 0801
    - 0915
  - 01/09/2022 – 1<sup>st</sup> Shift - W1 --Unreadable and Gap
    - 0600? (time unreadable)
    - 0715
  - 01/09/2022 – 1<sup>st</sup> Shift – W2 -- Gap and Late Entry
    - 0850
    - 1016 “Late due to incident”
  - 01/09/2022 – 1<sup>st</sup> Shift – W3 -- Gap and Late Entry
    - 0900
    - 1016 “Late due to incident”
  - 01/09/2022 – 3<sup>rd</sup> Shift – W2? – Blank and Gap
    - 0355
    - 0542
  - 01/09/2022 - 3<sup>rd</sup> Shift – W1 -- Gap
    - 0437
    - 0543

- 01/09/2022 - 3<sup>rd</sup> Shift – W3 -- Gap
  - 0355
  - 0541

**2. Equipment, technology, building and design of medical facility are not conducive to perform/render appropriate and required inmate/patient monitoring, medical care, and nursing care:**

- Concern – Extraordinary Occurrence Report – 01/09/2022, pg. 5 of 10 – “Equipment malfunction”: During cardiopulmonary resuscitation, officers requested “a portable suction machine” at 1007 “due to active bleeding from inmate Smith’s mouth possibly compromising effectiveness of ventilations.” At 1013 an officer “provided suction but was unable to remove any blockage due to equipment malfunction.”
- Concern – Extraordinary Occurrence Report – 01/09/2022, pg. 10 of 10 - Design of Medical Facility/Availability of Medical Staff – Officer stated, “I was instructed to find someone from medical due to there being no medical staff in nurse’s station or in the area.”

**Additional information and documents still needed to review for completion of a finalized report related to Mr. Keith Renee Smith’s incarceration, medical care and death:**

- PIU Report related death
- PSU Report related to death and incident on 01/07/2022
- DVR of incident
- Officer body camera video related to death and incident on 01/07/2022
- Final ME Report with toxicology results and manner of death
- Additional Wellpath records including:
- Mental Health Professional notes from 01/06/2022 when Mr. Smith was placed on a “Hold 1” and at 1950 when he was placed on a “Movelist” by a “Mental Health Professional” for transfer
- Intake Screening/Assessment at Booking

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**Rickitta Smith**  
**DOB: 11/22/87**  
**Inmate #00559763**

**History:** Rickitta Smith was arrested on 12/01/2021 at 20:04 for several violations which included possession of controlled substance, resisting arrest. She denied drug use during intake screening and had no apparent acute medical issues and was placed in General Population on J2-1A-014.

On 12/03/2021 at approximately 04:58 another inmate notified the control center that an inmate was unresponsive and needed help. Initially, an LMDC officer responded to Ms. Smith and, finding her unresponsive, called for additional assistance. At that time multiple medical and custody personnel responded to where CPR was instituted, Narcan administered several times and EMS called to transport. Ms. Smith was pronounced dead at the University of Louisville shortly upon arrival.

Her cause of death on the EOR Report was listed as both “Natural” and “Other.”

In a letter dated 01/19/22 from the Justice and Public Safety Cabinet, Kentucky Department of Corrections, a standard review of jail-related deaths in Kentucky was completed. No violations were found in the review of the death of inmate on 12/03/2021.

The following LMDC and Wellpath information/documents, between the dates of 12/01/2021 through 12/03/2021 related to Rickitta Smith’s incarceration, medical care and death were reviewed:

**Information Reviewed:**

- LMDC Inmate Classification
- Wellpath Medical Records
- LMDC Inmate Detail Report
- LMDC Inmate Notes
- LMDC Incident Report
- Justice Cabinet Final Review
- Preliminary Medical Examiner/Autopsy Report
- LMDC Shift Logs/Reports
- LMDC Walks and Observation Reports
- EOR Extraordinary Occurrence Report

**Information Yet To Be Reviewed:**

- Final ME report
- Video DVR unavailable

**Intake Classification, Report and Inmate Notes** describe Ms. Rickitta Smith was housed in J2-1A-014 on 12/01/21 for multiple charges including possession of a controlled substance, disorderly conduct, resisting arrest, possession of synthetic drugs and other violations.

**Wellpath Medical Records:**

- At intake screening 12/2/21 at 0117) she denied any PMH including mental health issues or any abuse of ETOH or drugs. Her initial vital signs noted a B/P of 157/122 otherwise WNL.
  - Concern: No follow-up/reassessment of blood pressure despite Wellpath protocol to notify and reassess.
  - Unsure if intake screening would have known conditions of arrest, but if so should have questioned drug use and need for COWS protocol.
- Medical Problems list noted a previous diagnosis of *Unspecified Major Depression with recurrent episodes* (dated 6/22/2016). No mention of this as being verified/updated.
- One question asks is inmate female and “NO” is checked (documentation error) (pg 15/34)
- Nursing Progress Notes describe being notified by the Control Observation Room for J2 of an unresponsive female. Nurse Redd being first to respond by Medical personnel. Officer Salmon had preceded her entering the cell just prior to her arrival. Determining the inmate was unresponsive, CPR was initiated. Narcan was administered for a total of 5 doses along with epinephrine administered by EMS without response. Inmate was transported to ULH and pronounced dead shortly after arrival at approximately 0530.

**LMDC Incident Report:**

- 12/3/21 at 0458 control observation for J2 notified Officer Salmon a female inmate hit the intercom button concerned about another inmate. It was Officer Salmon who first encountered the patient unresponsive on the floor. He attempted to elicit response without success and turned Ms. Smith onto her side in the “safety and

resting position” likely to mean the recovery position for an unresponsive person. Within a minute Medical staff arrived, assessed patient, and determined need to initiate CPR.

- Concern: All personnel should be trained in BLS/CPR and initiation promptly upon assessment. Narcan availability should be on all personnel for immediate access.
- All notes of incident by multiple officers are consistent with reports given by LMDC personnel and Medical personnel.

**Medical Examiner/Autopsy Preliminary Report:** Manner of Death is Pending

- Cardiomegaly
- Urine tableside drug screen + for cocaine, fentanyl, THC
- No evidence of trauma
- Toxicology pending

\*There was no final autopsy report available for review.

**Observation Sheet Logs for J2** were done within 15 minutes of observational emergency call

W4-0457

W7-0445

North-0455

All logs note secure

**LMDC Shift Log:**

- 12/3/21 note 0024 Officer Security Check-all secure, however, no other entry is noted for security check until 0646
- LMDC notes 11 Officers on OT (7 forced/3 volunteer/scheduled)

**EOR Report** (Extraordinary Occurrence Report):

- Cause of Death checked as 1) Natural 2) Other
- On this report it is incomplete, neither noting Yes or No to a few questions on the form.
  - Concern: Incomplete documentation

**IMPRESSION:**

- The determined cause of death is pending review of the results of final ME report and toxicology.
- While cause of death remains unclear, she did show Cardiomegaly and ventricular hypertrophy which could be consistent with drug use.
- Ms. Smith answered negative to questions on drug use, therefore, the need for detox was not recognized.
  - This leads to the question of initial drug screening and/or communication regarding arrest citation to alert the screening nurse to potential problems.
- It appears another inmate notified control of the unresponsive Ms. Smith and assessment ensued.
- Questions regarding the monitoring of inmates via remote camera should be addressed as to the ability to detect potential emergency situations in housed areas.
- Additionally, with the ongoing use of drugs within the jail, stronger measures to combat detection/use are needed.

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**Lesley Adam Starnes**  
**DOB: 08/02/1985**  
**Inmate # 00569918**

**History:** According to LMDC records, on 01/26/2022 at 1702, Lesley Adam Starnes, DOB: 08/02/1985 was booked into the Louisville Metro Department of Corrections (LMDC). He was charged with a failure to appear citation for misdemeanor related to “Flagrant Non-Support - KRS: 530.050.” Mr. Starnes remained incarcerated at LMDC until his death on 02/06/2022.

**The following LMDC and Wellpath information/documents, between the dates of 01/26/2022 through 02/06/2022 related to Mr. Lesley A. Starnes incarceration, medical care and death were reviewed:**

- LMDC Inmate Classification
- Wellpath Medical Records
- LMDC Inmate Detail Report
- LMDC Inmate Notes

- LMDC Incident Report
- Justice and Public Safety Cabinet: Kentucky Department of Corrections – Review of In-Custody Death Review Letter and LMDC Response
- Preliminary Medical Examiner/Autopsy Report
- LMDC Classification Intake Screening
- LMDC Inmate Records File
- LMDC Shift Logs
- LMDC Shift Reports
- LMDC Walk and Observation Sheets
- LMDC Extraordinary Occurrence Report

The Activity Details Report and Inmate Notes describe Mr. Lesley A. Starnes was initially placed in detox and housed on J1-R-3 on 01/26/2022 at 2145 until he was cleared from detox and transferred to J3S-6A on 02/01/2022 at 1224. Then on 02/03/2022 at 1255, Mr. Starnes was placed on “Movelist” and transferred to H5-S1 related to “inmate checked out do to fear for his safety.” In addition, he was placed on “Movelist” and transferred to H5-N1/006 on 02/04/2022 at 1125. On 02/06/2022 he was transported to UofL Emergency Department via EMS at 0038.

Wellpath Medical Records describe Mr. Lesley A. Starnes’ mental health initial assessment on 01/28/2022; Receiving Screening on 01/26/2022; and the Clinical Institute Withdrawal Assessment – Alcohol (CIWA) and Clinical Opiate Withdrawal Scale (COWS) monitoring assessments from 01/26/2022 to 01/31/2022.

- Mr. Starnes’ initial mental health assessment dated 01/28/2022 described a “referral to mental health after he reported a diagnosis of bipolar disorder and a previous suicide attempt.” “He reported an intentional overdose after losing his mother and getting a divorce.” Mr. Starnes also reported “no history of mental health treatment” and daily polysubstance use of for the past 12 years “with no treatment.” “He is not having any self-harm ideation.” “He appears stable at present,” mental health treatment is “not indicated at this time.”
- His Receiving Screening on 01/26/2022 determined the need for the referral to mental health as described above. He was placed on CIWA and COWS detox monitoring protocols in general population housing.

- The assessment documentation of CIWA and COWS detox monitoring three times a day from 01/26/2022 – 01/31/2022 with scores of mild and minimal.

According to Extraordinary Occurrence Report and Incident Reports, Mr. Lesley A. Starnes was found in his cell (H5-N1/006) on 02/06/2022 at 0008 “hanging.” Immediately, a radio call went out requesting the “Knife for Life.” Multiple officers alternated “holding up” Mr. Starnes in an attempt “to relieve the pressure that was applied from the ligature that was attached to the bars of the window.” Also described was that officers “attempted to use the Knife for Life to cut the sheet and due to the dull nature, it was not successful.” At 0010, officers were able to loosen the sheet from around Mr. Starnes’ neck, move him to the floor, and begin CPR. The Louisville Fire Department arrived at 0017 and Emergency Medical Services arrived at 0021. At 0038 EMS and Louisville Fire Department were enroute to UofL ED where at pronounced deceased at 0136.

The Preliminary Medical Examiner/Autopsy Report states the preliminary diagnoses from the autopsy on 02/06/2022 at 0900 indicated: 1) Hanging with ligature furrow encircling neck and petechiae of bilateral forehead and eyelids, conjunctivae and oral mucosa; 2) Contusion with abrasion and superficial laceration, left forehead; 3) Subscapular hemorrhage, left occipital; and 4) Pending toxicology report. Manner of Death is Suicide.

In a letter dated 02/22/2022 from the Justice and Public Safety Cabinet, Kentucky Department of Corrections, a standard review of jail-related deaths in Kentucky was completed. Two state violations were found in the review of the death of inmate Lesley Starnes on 02/06/2022. A response to that letter by Louisville Metro Department of Corrections dated 03/01/2022. Both letters described below:

501 KAR 3:060. Security; Control.

Section 2. Prisoner Supervision. (1) Jail personnel shall conduct and document direct in-person surveillance of each prisoner on an irregular schedule, at least every sixty (60) minutes.

**Violation #1:** “Cell Observation logs provided indicate a time lapse exceeding 60 minutes on 02/05/2022.”

**LMDC Response:** “Our review of the observation logs demonstrates rounds conducted irregularly every thirty (30) minutes, which exceeds the KAR requirement of every sixty (60) minutes. It is unclear to us as to how the deficiency was determined. Please see attached records.”

501 KAR 3:160. Training.

Section 5. First Aid and CPR. (1) Jail personnel shall have current training in standard First Aid equivalent to that provided by the American Red Cross, American Heart Association, or an equivalent nationally recognized organization. New jail personnel shall receive training within their first year of employment. (2) Jail personnel shall be certified to perform CPR (Cardiopulmonary Resuscitation) equivalent to that provided by the American Red Cross, American Heart Association, or an equivalent nationally recognized organization. New jail personnel shall receive certification within their first year of employment.

**Violation #2:** “Training recorded not provided and/or not located in Crimcast for review to indicate Officer Alex Thomas being current on CPR and First Aid Certification.”

*LMDC Response: “Officer Thomas was not current on CPR and First Aid Certifications. Officer Thomas is scheduled for CPR training. I will follow up to report that he has completed his training. Additionally, LMDC Training Unit is under the supervision of a new Training Commander, who has developed and implemented a plan that will ensure that all staff are current on CPR and First Aid Certification by the end of March 2022.”*

**IMPRESSION:**

**1. Review of records from Wellpath medical staff and LMDC officers were inconsistent and incomplete. This included blanks and gaps in observation, medical care, and assessment:**

- Concern – Extraordinary Occurrence Report – Blanks – 02/07/2022 at 1200 pg. 1 of 10 – “if Death – Did victim exhibit signs of illness prior to death” - BLANK – “Was victim examined by physician prior to death?” – BLANK
- Concern – Walk and Observation Sheets – Gaps in Observation
  - 02/05/2022 – 3<sup>rd</sup> Shift – N -- Gap
    - 2155
    - 2330
  - 02/05/2022 – 3<sup>rd</sup> Shift – E -- Gap
    - 2155
    - 2325
  - 02/05/2022 – 3<sup>rd</sup> Shift - S -- Gap

- 2155
- 2326

**2. Equipment, technology, building and design of medical facility are not conducive to perform/render appropriate and required inmate/patient monitoring, medical care and nursing care:**

- Concern – Extraordinary Occurrence Report – 02/06/2022, pg. 3 of 12 – “Equipment malfunction/Inappropriate for use”: Immediately, a radio call went out requesting the “Knife for Life.” Multiple officers alternated “holding up” Mr. Starnes in an attempt “to relieve the pressure that was applied from the ligature that was (around his neck and) attached to the bars of the window.” When officers attempted to use the “Knife for Life” to cut the ligature, they were unsuccessful due to the dullness of the equipment.
- Concern – Extraordinary Occurrence Report – 02/06/2022, pg. 3 of 12 - Design of Medical Facility/Availability of Medical Staff – Radio call of emergency went out at 0008 and “at 0014 medical staff arrived on the floor to assist.”

**Additional information and documents still needed to review for completion of a finalized report related to Mr. Lesley A. Starnes’ incarceration, medical care and death:**

- PIU Report related death
- PSU Report related to death and incident on 02/06/2022
- DVR of incident
- Officer body camera video related to death and incident on 02/06/2022
- Final ME Report with toxicology results, etc.

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**Barry Williams**  
**DOB: 06/26/1971**  
**Inmate # 00582398**

**History:** According to LMDC records, on 05/31/2020 at 2129, Barry Williams, DOB: 06/26/1971 was booked into the Louisville Metro Department of Corrections (LMDC). He was charged with a failure to appear citation on multiple charges: 1) Terroristic threatening – 3<sup>rd</sup> degree; 2) Burglary – 1<sup>st</sup> degree; 3) Domestic violence – 2<sup>nd</sup> degree; 4) Drug paraphernalia – buy, possess; 5) Criminal trespass – 3<sup>rd</sup> degree; and 6) Persistent felony offender. His sentence totaled

2 years and 6 months, which started on 12/14/2020 at 0000, with a max sentence until 06/23/2023 at 0000. In addition, he was charged with Probation violation and sentenced to another 180 days. Mr. Williams was incarcerated at LMDC previously from 2013-2016. During this current and his previous incarcerations, Mr. Williams worked as a “work-aide” and “sanitation.” He remained incarcerated at LMDC until his death on 03/27/2022. Officer Livingston reported on 03/27/2022, “Inmate Williams was recently caught by other officers on another shift passing notes and the decision had been made today that he would no longer be used as a work aid.”

**The following LMDC and Wellpath information/documents, between the dates of 05/31/2020 through 03/27/2022 related to Mr. Barry Williams’ incarceration, medical care and death were reviewed:**

- LMDC Inmate Classification
- Wellpath Medical Records
- LMDC Inmate Detail Report
- LMDC Inmate Notes
- LMDC Incident Reports
- Preliminary Medical Examiner/Autopsy Report
- LMDC Classification Intake Screening
- LMDC Shift Logs
- LMDC Shift Reports (missing 2<sup>nd</sup> Shift 03/28/2022)
- LMDC Walk and Observation Sheets (missing 2<sup>nd</sup> Shift 03/28/2022)
- LMDC Extraordinary Occurrence Report

The Inmate Detail Report describes Mr. Barry Williams being housed in multiple locations while incarcerated at LMDC from 05/31/2020 until his death on 03/27/2022. His cell transfer details are described below:

- Passive - from 05/31/2020 at 21:30 until 05/31/2020 at 22:05
- J1-R-2 – from 05/31/2020 at 22:05 until 06/04/2020 at 19:38
- J3S-4B – from 06/04/2020 at 19:38 until 06/09/2020 at 18:08
- H5W-06 – from 06/09/2020 at 18:08 until 06/30/2020 at 21:41
- J4N-1A – from 06/30/2020 at 21:41 until 07/07/2020 at 19:17

- J4S-4B – from 07/07/2020 at 19:17 until 09/14/2020 at 22:08
- J4N-2A – from 09/14/2020 at 22:08 until 09/15/2020 at 08:33
- J4S-6B – from 09/15/2020 at 08:33 until 04/20/2021 at 13:40
- J3N-3B – from 04/20/2021 at 13:40 until 04/20/2021 at 19:30
- H6W-07 – from 04/20/2021 at 19:30 until 04/26/2021 at 20:15
- H5W-06 – from 04/26/2021 at 20:15 until 12/13/2021 at 04:48
- H6W-01 – from 12/13/2021 at 04:48 until his death on 03/27/2022

Wellpath Medical Records describe Mr. Barry Williams’ medical care while incarcerated at LMDC from 05/31/2020-03/27/2022

- 06/03/2020: Behavioral Health Initial Evaluation: History of Outpatient Mental Health Treatment at Madden Mental Health Center in Illinois. Psychiatric Hospitalizations at Madden Mental Health in 1997 and Baptist Medical in 2019. Prior psychotropic medications Wellbutrin and Trazadone. Prior diagnosis of bipolar disorder. Past suicide attempt in “1997 after death of mother.” Substance Use: “ETOH” and “Cocaine.”
- 07/16/2020: Chronic Care Hypertension Cardiovascular – Initial Visit
- 10/16/2020 - 10/20/2020: UofL Hospital Admission: Diabetic Ketoacidosis
- Various 2020, 2021 & 2022; Chronic Care Periodic Exams and Follow Up Visits for hypertension and diabetes
- 11/13/2020: Mental Health Special Needs Progress Note – Routine follow up appointment for medications: Abilify, Zoloft and Vistaril.
- 05/29/2021: Medical History and Physical Assessment and Mental Health – History
  - Type 2 diabetes mellitus
  - Hypertension
  - Major depressive disorder
  - Unspecified mood disorder
  - Unspecified renal colic
  - Rheumatoid arthritis
  - Inflammatory polyarthropathies
- 03/04/2021: Mental Health Special Needs Progress Note – Routine follow-up for Zoloft and Hydroxyzine.

- 06/10/2021: Dental Exam
- 07/02/2021: Mental Health Progress Note – Prescribed 5 mg Abilify per Psych NP
- 07/21/2021: UofL Physicians – Optical Prescription

According to the Extraordinary Occurrence Report and Incident Reports (Inmate Death), on 03/27/2022 at 2332 officers “noticed inmates in H6W dorm 1 banging on the door.” Mr. Barry Williams was found “actively vomiting,” “unresponsive” and “not breathing.” Medical arrived at 2335, “Narcan was immediately administered.” “Medical placed oxygen on inmate Williams and was also utilizing a suction device due to vomit all over his face and possibly in his airway.” The Louisville Fire Department arrived 2349 and Emergency Medical Services arrived at 2353. EMS and Louisville Fire departed 0035 and arrived at UofL ED at 0039. Upon DVR review by officers, it was noted at “approximately 2300, inmate Williams is seen on H6 dorm 1 camera with an unknown powder and appeared to be snorting it from his bunk.”

The Preliminary Medical Examiner/Autopsy Report states the preliminary diagnoses from the autopsy on 03/28/2022 at 0800 indicated a pending toxicology report and the manner of death is pending. Postmortem urine drug screen positive for methamphetamine, fentanyl and THC. The following were noted: 1) Obesity; 2) Cardiomegaly with left ventricular hypertrophy; 3) Hepatomegaly; 4) Splenomegaly; and 5) Status-post resuscitative efforts.

### **IMPRESSION:**

**1. Review of records from LMDC officers was inconsistent and incomplete. These included blanks and gaps in observation:**

- Concern – Classification – Blanks – 05/31/2020 at 2129 “#3 Needs” BLANK r/t: Medical (MD) and Mental Health (MH) with Wellpath Medical Records indicate a medical history of the following: Type 2 diabetes mellitus; hypertension, major depressive disorder; unspecified mood disorder; unspecific renal colic; rheumatoid arthritis; and inflammatory polyarthropathies.
- Concern – Extraordinary Occurrence Report – Blanks – 03/27/2022 at 2332 pg. 1 of 16 – “if Death – Did victim exhibit signs of illness prior to death” - BLANK – “Was victim examined by physician prior to death?” – BLANK
- Concern – Walk and Observation Sheets – Blanks and Gaps in Observation
  - 03/25/2022 – 1<sup>st</sup> Shift – 6<sup>th</sup> Floor W4 -- Gap

- 0913
- 1024
- 03/25/2022 – 1<sup>st</sup> Shift – 6<sup>th</sup> Floor W8 -- Gap
  - 0700
  - 0900
- 03/26/2022 – 2<sup>nd</sup> Shift – 6<sup>th</sup> Floor W4 -- Gap
  - 1706
  - 1824
- 03/26/2022 – 2<sup>nd</sup> Shift – 6<sup>th</sup> Floor W8 -- Gap
  - 1500
  - 1625
- 03/26/2022 – 2<sup>nd</sup> Shift – 6<sup>th</sup> Floor W9 -- Gap
  - 1622
  - 1727
- 03/26/2022 – 2<sup>nd</sup> Shift – 6<sup>th</sup> Floor W9 -- Gap
  - 1727
  - 1840
- 03/28/2022 – 1<sup>st</sup> Shift – W4 – Gap
  - 0810
  - 0917
- 03/28/2022 – 1<sup>st</sup> Shift – W4 – Gap
  - 0917
  - 1020
- 03/28/2022 – 1<sup>st</sup> Shift – W8 – Gap
  - 0800
  - 0918
- 03/28/2022 – 1<sup>st</sup> Shift – W8 – Gap
  - 0918
  - 1120
- 03/28/2022 – 1<sup>st</sup> Shift – W8 – Gap
  - 1210

- 1340
- 03/28/2022 – 1<sup>st</sup> Shift – W9 – Gap
  - 1210
  - 1340
- 03/28/2022 – 3rd Shift – W4 – Gap
  - 0224
  - 0331
- 03/28/2022 – 3rd Shift – W4 – Gap
  - 0457
  - 0619
- 03/28/2022 – 3rd Shift – W8 – Gap
  - 0225
  - 0330
- 03/28/2022 – 3rd Shift – W9 – Gap
  - 0316
  - 0428

**2. Equipment, technology, building and design of medical facility are not conducive to perform/render appropriate and required inmate/patient monitoring, medical care, and nursing care:**

- Concern – Extraordinary Occurrence Report – 03/27/2022, pg. 14-16 – Inmate Monitoring: The DVR footage shows Mr. Williams with an unknown powder and appeared to be snorting it from his bunk at 2300. It was not until 2332 (32 minutes later) when inmates in the dorm notified officers or officers became aware of the medical emergency.

**3. Policy needed for drug screenings (urine, blood, etc.) for inmates on initial intake and subsequently throughout incarceration; specifically, in identified individuals and population areas of concern. This policy needs to include the use of K-9 units throughout LMDC. In addition, another policy needs to include subsequent and random drug screenings for all staff of Wellpath and LMDC, to include K-9 unit use for detection as well:**

- Concern – Preliminary ME Report – 03/28/2022, pg. 1 of 1 – Drug Screenings and K-9 Units Used for Detection for Inmates and Staff of LMDC and Wellpath – Postmortem urine drug screen positive for methamphetamine, fentanyl and THC.
- Concern – Shift Report on 03/28/2022 – 3<sup>rd</sup> Shift – pg. 4 of 5 - EI# 118928– Drug screenings for inmates throughout incarceration; specifically, in identified individuals and population areas of concern – This occurred on H6W Dorm 7, approximately 3 hours after Mr. Barry Williams was found “unresponsive” and “not breathing” in H6W Dorm 1.
- “On 03-28-2022 at approximately 0300 hrs., Inmate Burris, Quante J. (589519) checked out of H6W Dorm 7 and was placed in H6Bullpen. Officer Rogier searched Inmate Burris property and found a torn piece of black glove with suspected methamphetamine. Officers asked Inmate Burris what and where did he get the suspected drug from and he stated it was from a work aide while he was in J4S-5B and that he forgot that it was in there. Due to the small amount of the suspected methamphetamine, Officer Rogier decided not to place additional charges on Inmate Burris. Contraband was disposed of in the ‘No Charge Box’ in the Booking Floor. Pictures were taken. Notified Shift Command and forwarded to appropriate staff.”

**Additional information and documents still needed to review for completion of a finalized report related to Mr. Barry Williams, medical care and death:**

- Justice and Public Safety Cabinet: Kentucky Department of Corrections – Review of In-Custody Death Review Letter and LMDC Response
- PIU Report related death
- PSU Report related to death and incident on 03/27/2022
- DVR of incident
- Officer body camera video related to death and incident on 03/27/2022
- Final ME Report with toxicology results and manner of death

**ANALYSIS OF MEDICAL CARE PROVIDER**

Summary of Wellpath Medical Interviews

Interviews were conducted with two of Wellpath’s Medical Staff, Teresa Wallace, the Health Services Administrator (HSA), and Renesha Stone, APRN, Clinical Health Services Coordinator.

- Teresa Wallace, MBA
- Renesha Stone, RN, MSN, APRN

**Staffing: See Staffing Matrix Code Attached**

In the contract renegotiated between the City of Louisville and Wellpath effective August 1, 2021, there was an agreed change in staffing matrix that allowed for more educated/credentialed nursing staff.

**Training: Content/Initial/Frequency/Competency by Who**

- Ms. Stone described training as new hire orientation being one week off-site and is combined with the LMDC officer new hires.
- New medical hires are more or less on-the-job oriented and trained.
- If there are changes in policy, she reviews with nursing staff and has a Director of Nursing (Ms. Heydon) who assists her.
- She states she participates in review of critical incidents affecting Medical with Teresa Wallace, HSA, on a regular basis as needed.
- Ms. Wallace notes she sends monthly and quarterly reports to Wellpath headquarters but defines those as being more “stats” than incident reports or CQI reports.
- When Ms. Stone was asked about incident debriefing such as after death of inmate, she says there is no formal mechanism or policy, they “just talk about it.”
- There is no system to really track incidents looking for trends or data that would assist in quality remediation.
- The Policy Manual is very voluminous and not easily accessed. (Interestingly, the nurses who work in intake screening have made their own manuals that serve as a “go by” for new staff – not Wellpath generated.)
- Counseling or disciplining of staff was not clearly defined.

**Positive Activities Among Medical Staff:**

- “Great teamwork”
- Competency testing once yearly
- Use of a “whiteboard” to track individual’s specific needs

- Ms. Stone has been working with Galen College of Nursing to guest lecture to their students on correctional nursing to try and spark interest in this specialty.
- Ms. Stone felt committed to improving the nursing care of the inmate population and reiterated that the staff they do have work very hard and are conscientious.
- Although the Medical staff utilize ERMA as their electronic record system, they do have access to XJAIL Computer System (LMDC uses this); she admits they don't always utilize it.

**Concerns Observed or Recommendations Expressed:**

When questioned about their ideas that might improve either the working conditions of the jail staff or care for the inmates, they suggested:

- Inmates now more than ever have complex chronic illness that often have been medically neglected.
- Inmates have fewer coping skills to deal with today's stressors and need more mental health treatment.
- The diet of inmates is poor...high carbs with junk foods primarily available in the canteen. This contributes to their chronic conditions often.
- Need for some comprehensive review and intervention for the ongoing drug epidemic within the confines of the jail.
- Ms. Stone referred to the jail as, "Like having our own cartel here in the jail!"
- Measures to date have not remedied the problem.
- Staff turnover is high with numerous vacancies at any one time. (There are a few medical personnel that have been there 5+ years.) Need more staff to be preceptors who have experience and knowledge to do so.
- Correctional nursing is not appealing to many.
- Salaries are not competitive.
- Short staffing results in burnout.
- Need for increased medical clinic/office space with more equipment such as IV pumps to administer fluids in detox when needed.
- Need for medical intercoms in all rooms AND in working order.
- Radios for all medical personnel.

- Need more in-depth training for medical with regards to corrections nursing and types of clinical situations - currently only one week of general, off-site orientation along with LMDC officer new hires, then new nurse or CMA is precepted on the job. This is far from ideal and many have no experience being a preceptor.
- Need for more ongoing continuing education.
- Not enough competency testing. Once yearly is not enough, particularly with high turnover.
- Need a more specific CQI policy/tools for evaluation of standards of care and ways to improve deficiencies.
- More mental health workers both MSW/APRN with PMH certification and they need to be on site 24-7 not just “on call.”
- More Officer manpower, as often they must leave the jail to take inmates to hospital, doctor appts, etc., leaving less security available.
- Use of dogs to look for drugs.
- More telehealth visits to avoid visits off-site and provide more consistent exchange of information.
- Need to have any off-site appt/ER visit/Hospitalization conveyed in writing immediately upon return of the inmate to the jail.

Ms. Stone has worked in the jail for many years and appeared to have good insight in her assessment of jail conditions, inmate problems, including deaths, particularly from overdoses.

## **L. MORALE**

Morale was a very low ebb under the prior administration. This discontent resulted in a no confidence vote by LMDC’s FOP, followed by a no confidence vote by Metro Council and significant media attention.<sup>99</sup> The new Director, Jerry Collins, has significantly improved morale in less than a year. This is due in part to his passionate leadership style as well as the leadership team he has put in place. He has also championed getting better funding for LMDC and implemented many changes with that additional funding discussed elsewhere. Interviews with

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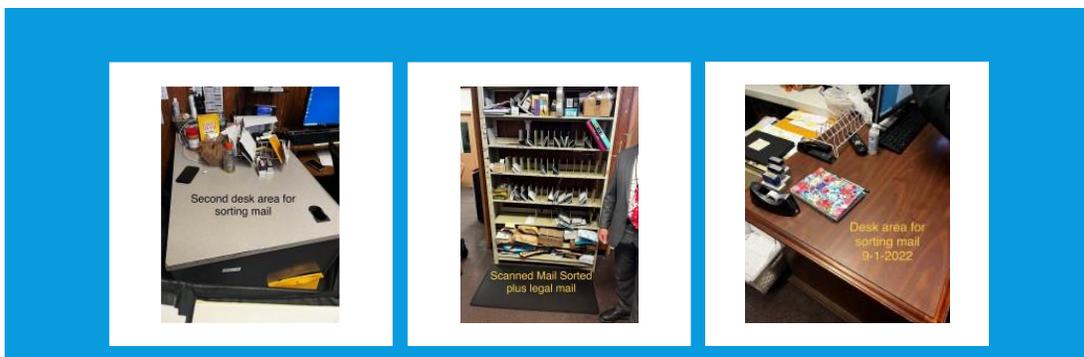
<sup>99</sup> [https://www.wdrb.com/news/committees-no-confidence-vote-in-metro-corrections-leadership-heads-to-metro-council/article\\_c58094b8-8a17-11ec-b495-0bf29ef65faf.html](https://www.wdrb.com/news/committees-no-confidence-vote-in-metro-corrections-leadership-heads-to-metro-council/article_c58094b8-8a17-11ec-b495-0bf29ef65faf.html)

employees throughout this investigation confirmed that morale is much better. Daniel Johnson, President of the FOP, stated that morale has greatly improved and that the relationship between Director Collins (management) and the FOP is very good. In fact, Director Collins and Johnson meet every Wednesday to maintain close communication about issues facing the jail and its employees. This is the opposite of what had been done in the past.

## M. MAILROOM

Incoming mail has been identified as a source of contraband coming into the facility. On two separate occasions, the office in which the mail is received and opened was visited. Officers described the various creative ways inmates have tried to use the mail to get contraband to inmates. The mail room office is very small. There are two desks in the office which are used by two corrections officers assigned to opening and sorting the mail.

The mail is opened on the employees' desks. There are no ventilation hoods above the desks to remove any powdery or other material that might be inside an envelope. This creates a major health and safety issue for those opening the mail. This is especially concerning with the prevalence of fentanyl these days and efforts to introduce it into jails. This room also does not have a negative air pressure system by which dangerous substances are stopped from infiltrating other parts of the building.



# MAILROOM

Subsequent to identifying this issue, Director Collins advised that he is in the process of instituting a process by which all mail will be sent to an outside vendors facility where it will be scanned and then sent electronically to the inmates, thereby, eliminating the LMDC officers having to open, sort and inspect mail. This system has been used by many other jails across the country. In fact, the Washoe County, Nevada, Sheriff entered into a contract with a company that processes all the mail at no cost. This company also provides computer tables for the inmates to receive and read their mail. In return, the company receives proceeds from the inmates' use of the tablets. This has eliminated much contraband getting into the jail.

The Kentucky Department of Corrections has implemented a similar system for legal mail as well and has an overview of the reason for the program on its website.<sup>100</sup> LMDC should consider a similar program in light of the number of times “legal mail” is used in an attempt to smuggle drugs into the jail.

LMDC reported that in July and August of 2022, persons attempted to send letters purporting to be “legal mail” that contained drugs, numerous times:

July: Fake Legal mail, resulted in Six Suboxone strips.

August: Fake Legal mail, resulted in 25 Suboxone strips.

August: Fake legal mail, resulted in a thumb drive with pornography.

August: Fake legal mail, resulted in 20 Suboxone strips.

August: Fake legal mail, resulted in 29 Suboxone strips.

LMDC should consider implementing a similar program as used by the Kentucky Department of Corrections for processing legal mail.

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<sup>100</sup> <https://corrections.ky.gov/Facilities/AI/Pages/legalmail.aspx>

## N. COMMISSARY

At the outset of this investigation, LMDC was using an outside contractor to handle the commissary program by which inmates can buy personal items and food. The items were being packaged in a downstairs room with the assistance of inmate work aides. Commissary personnel were not searched on entering the jail nor was a K-9 program in place to conduct a K-9 search of commissary employees or work aides.



This room in which the bagging was being done had only one camera which had limited viewing of the room. This entire process provided another means to introduce contraband into the facility. On one of the inspections of this room, some scissors were found lying on a desk with no security personnel anywhere nearby. So many aspects of this operation created an entry point for contraband. Shortly after the inspection of this area, Director Collins implemented a new commissary program off-site which did not include inmate work aides. He is to be commended for addressing this significant security risk.

## **O. FRATERNAL ORDER OF POLICE LODGE NO. 77 CONTRACT**

Louisville/Jefferson County Metro Government has negotiated contracts with the with the LMDC FOP. One contract pertains to Officers and Sergeants and another one pertains to Lieutenants and Captains. The current contracts were entered into in November of 2016 and will expire on June 30, 2023. Throughout this investigation, numerous people stated that the current contract limits LMDC management from doing what would be best for the effective and efficient operation of the jail.

Most of the positions (assignments) filled in the jail are filled based on seniority rather than merit or skills. Moreover, if a person has been awarded one of these positions on seniority, they may not be moved to another assignment, either permanently or temporarily, without adverse consequences. Any attempt to move a person from one position to another is met with a grievance being filed which results in management time reviewing each grievance; and if the grievance is upheld, LMDC must pay the employee double time and award the employee an extra day of vacation. This process distracts management's time to process these requests and results in added overtime pay out of the finite budget.

An example of this was explained as follows: If an officer "won a bid" to be assigned to the booking area, but the second floor is short staffed on a day, the booking officer can file a grievance if management asks that they work on the second floor where the needs are most urgent.

In addition, persons assigned to a certain area such as Maintenance or Training are not subject to working mandatory overtime. Moreover, the seniority system can result in someone being assigned to the maintenance department who has no experience or skillset appropriate to the job. One person stated, "even if the person doesn't know how to turn a screwdriver" they may not be denied a maintenance position if they have the most seniority. This is not standard throughout corrections.<sup>101</sup>

Metro Government should revisit this practice and look at providing the FOP with other contract accommodations in return for giving management greater latitude to do what is best for the safety, security, and efficiency of the jail.

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<sup>101</sup> Washoe County, Nevada Sheriff's office; Polk County, Florida Sheriff's office; Oldham County, Kentucky Detention Center; Dennis Hippert, Assistant Director, University of Louisville, Southern Police Institute.

Finally, former Chief of Staff Eric Troutman noted that LMDC management had limited input on the contract negotiations which he stated were handled by Metro Government employees not completely conversant in jail operations or what is best for the safe operation of a jail, especially, regarding staffing.

## **P. SOFTWARE AND DATA-DRIVEN DECISIONS**

Through this investigation as noted many times in this report, it was determined that many managers had created their own Excel spreadsheet to maintain records important to their duties at LMDC<sup>102</sup> In most instances, the data is inputted by management-level employees when lesser paid civilian staff could handle that task, thereby, freeing the management-level employee to use their skillsets for which they were promoted to focus on management level issues.

Moreover, there were many instances when managers were unable to easily produce a report concerning the data. Limited people have access to this information. More importantly, these spreadsheets do not generate alerts to supervisors or employees that an employee is out of certification, hasn't completed important training, or that an inmate is due for release. Additionally, this siloed system of individual independent spreadsheets is not accessible to other management level employees or executive staff.

Furthermore, many important matters that should be tracked and essential for management to make data-driven decisions are not being tracked such as use of force incidents (when, where, who was involved); overdoses; commonality of incidents (location, supervisor, persons directly involved, shift, whether officers were working overtime) and other important data. LMDC management should have a software program that offers a dashboard for easy access to data and charts concerning trends in the facility which help in so many ways—decisions regarding staffing, budget, and training needs, to name just a few. A unified software program by which management can access vital information to make decisions is critical to identifying trends and help managers make decisions supported by data and not just on anecdotal information or hunches. This software program should have a means to alert supervisors and

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<sup>102</sup> Training-tracking of all training records; Executive Administrator-Civilian Division-tracking of inmate release dates; Executive Administrator-Human Resources-tracking of all recruiting, grievances, and other HR matters; other spreadsheets developed track Narcan use, still others policy review dates to name only some in use.

their direct reports to lapses in certifications and training. Critically important is a viable system to alert multiple people when an inmate is supposed to be released. The fact that inmates have been held for weeks beyond their release dates is unacceptable and unconstitutional.

## **VII. INTERVIEW SUMMARIES**

### **A. OVERVIEW**

Over 60 people were interviewed during this investigation—some formally and others informally during the many visits to the three LMDC jail facilities (including the Community Correction Center), Training Academy, and the Oldham County Jail. These interviews encompass the opinions of both management and staff. The interviews provide great insight into LMDC—its leadership, morale, and its culture and many other important aspects. There are numerous recommendations interspersed throughout these interview summaries. Tabulating each of these recommendations would greatly lengthen this report. However, each interview summary provides an extremely valuable insight into LMDC and should be reviewed to formulate a complete picture of LMDC. The following summaries are divided into three categories—inmate interviews; leadership interviews; and nonmanagement interviews.

A total of 61 inmates (male and female) were interviewed in 3 separate group settings. They described many troubling issues within the jail. Several recurring themes were:

1. They also felt uncomfortable sharing personal health issues in front of everyone in the booking area.
2. Also in the booking area, when medical staff are asking questions about the person's health and mental health, it appeared that they were looking at their computer and not looking attentively at the inmate to obtain information.
3. Many noted that they had not been provided with time for exercise and that it had been months since they were allowed to use the gym. They noted that gym time was also an opportunity for them to get their hair cut.<sup>103</sup>

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<sup>103</sup> One of the "Gym Officers" encountered on a tour of the jail said that he'd been too busy working floor security he had been unable to take inmates to the gym in many weeks.

4. Many thought that mental health and the mental health program in LMDC was one of the biggest problems—having to wait weeks to be seen by medical health staff; not being given necessary prescriptions that they were prescribed before being arrested;<sup>104</sup> being given the wrong medication or medications they did not need.

5. Overcrowding—cells designed for 24 people housing 40 inmates requiring them to sleep on floors.

6. Mental health inmates housed with the general population which they stated placed their safety at risk.

7. Corrections officers being present during discussions with medical health staff, especially mental health inmates. Often a corrections officer would insert their opinion while the inmate was trying to have a private conversation about their health.

8. Using the attorney-client booth as a place to house inmates for lengthy periods of time.

The following are summaries of the interviews. Each individual complaint or issue was not independently verified, however, many of the issues are consistent to observations during jails visits and other interviews.<sup>105</sup>

## **B. MALE INMATES**

*A group of approximately 37 male inmates were interviewed and provided information about their experience at LMDC and discussed issues facing them while incarcerated:*

It appeared that the booking area was understaffed, particularly at the pretrial desk. Also, in the booking area when medical staff are asking questions about the person's health and mental health, it appeared that they were looking at their computer and not looking attentively at the inmate to obtain information. They also felt uncomfortable sharing personal health issues in front of everyone in the booking area.

Numerous people complained that they received insufficient toilet paper for the number of inmates in a cell. They stated that in cells housing 40 people they receive seven rolls of toilet paper for the dorm. Other issues they mentioned were that they had not been provided with time

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<sup>104</sup> Medical staff in booking area noted this as an issue.

<sup>105</sup> Executive Chief Psychologist, Dr. Mariya Leyderman, was present during the interviews.

for exercise and that it had been months since they were allowed to use the gym. They noted that gym time was also an opportunity for them to get their hair cut.<sup>106</sup>

Numerous inmates complained about the food being late and cold when received and no ability to rewarm the food. Another frequent complaint was that corrections officers did not respond to the call buttons when pushed. That led to inmates kicking the doors which resulted in them being beaten by corrections officers. They also noted that most of their grievances are denied when filed. Several stated that the corrections officers are abusive towards them and use physical violence against them.

Several complained about the medical care at the jail facility. Some noted that they had received the wrong blood pressure medicine. One inmate stated that he had a broken tooth, and it took three weeks for him to get it pulled. Another inmate stated that he was given the wrong blood pressure medicine and was forced to take medications that were contraindicated for other medications he was taking.

Several mentioned that they were on prescription medications before incarcerated but did not receive that medication when incarcerated. In some instances, necessary medications were not provided for up to three weeks.

Another concern voiced was that mental health patients are housed with the general population. They thought this was inappropriate because it was not healthy for the mental health patient nor the other persons in the dorm who were untrained to deal with persons with mental health issues. They noted that some mental health patients are big and strong and pose a safety risk to them in being housed alongside of them.

They also mentioned an instance where a person who was on crutches and needed a wheelchair was housed in the general population and his crutches and wheelchair were taken away from him.

Fights among inmates are somewhat common. Some inmates have created problems so that they will be put in a single cell because they are afraid to be housed with the other inmates in the general population. Many stated that, "The jail causes mental health problems for those incarcerated."

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<sup>106</sup> One of the "Gym Officers" encountered on a tour of the jail said that he'd been too busy working floor security he had been unable to take inmates to the gym in many weeks.

One inmate stated that he waited five months for a mental health review and asked for meds repeatedly but received no response. They also noted that at times mental health assessments are conducted in the hallways outside of the cells with corrections officers beside the mental healthcare worker. These corrections officers will insert themselves into the discussion stating that the inmate who is speaking to the mental health professional does not have any mental health issues. They thought that this was not conducive to them being honest with the mental health professional.

Other issues surfaced were: black mold in the showers, no outside recreation opportunities, no cards or games or magazines which forces many to seek drugs within the institution. Many feel like caged dogs. In one of the cells, the toilet was shut down for ten months. The toilets frequently overflow. One inmate who uses crutches was forced to use a top bunk. Telephone issues – only two phones for 40 people. Lack of knowledge about programs available in the facility.

Corrections officers don't come into the cells unless there's a problem. The only time they come in is to do a count. Laundry is only done once a month; the lights are on all the time in the cells; inmates who are discontent receive threats that they will go to different cells where they may have to sleep on the floor. Some cells are very cold, and inmates put towels over the cold air vents. The jail does not have adequate quarantine dorms. There are inmates in the general population cells who should be in a medical cell.

General sanitation was a frequent complaint. One dorm stated that they had fruit flies in the dorm. Many inmates who have been in numerous jail facilities elsewhere stated that LMDC is the worst jail they have been in. Many thought that mental health and the mental health program in LMDC was one of the biggest problems. In addition, there were several who complained about the food being cold and served in plastic trays that are falling apart.

They stated that the dorms that are designed to house 24 people frequently house 37 and up to 40 or more per dorm which creates friction among the inmates and causes fights.

Inmates in a special dorm area set up to house inmates between the ages of 18 to 24 were interviewed. One 21-year-old inmate stated he had been in LMDC for two years without having his criminal charges resolved; another 22-year-old stated that he had been in LMDC for four years with charges still pending and no conviction.

A frequent complaint was that there is no gym time and that they are often locked down for 24 hours. They hadn't been to the gym in nine months. Others in the institution stated they have not been to the gym in at least five months.

In addition, there are no books, magazines, or anything to occupy their time or minds. They said it would be helpful to have tablets whereby they could study and learn other things. It would also give them the opportunity to work on their cases. They believe that providing tablets to the inmates would stop a lot of fights. They noted that there is a lack of cleaning supplies and that there is inadequate toilet paper for the number of inmates per dorm. This creates fights among the inmates.

One of the inmates stated that he is a diabetic and had pushed the call button numerous times to get his insulin. Finally, a nurse came by and asked him, "Why didn't you call us?" when he asked for it several times. Overall, they thought the nurses did a pretty good job.

Being incarcerated for 24 hours a day creates a lot of tension and stress within the institution. Again, they stated that being provided tablets would be helpful which would allow them to access music and movies which would reduce the stress among the inmate population.

### **C. FEMALE INMATES**

*A group of approximately 24 female inmates were interviewed and provided information about their experience at LMDC and discussed issues facing them while incarcerated:*

Female inmates stated that there is frequent use of the attorney-client booth to house inmates. This is where a female inmate hung herself while being locked in the booth for a long time. They believed she wasn't given the opportunity to go to the bathroom since the booth was very small and did not have a bathroom in it.

One of the major complaints was the delay in getting health services or medical services. They are required to complete a health services request form when they want to be seen by medical personnel, but it may take up to months for someone from the medical team to respond to their request.

They have seen inmates who have psychiatric problems have to wait two to three weeks before they are seen by a psychiatrist. One of the inmates was on the verge of killing herself but a group of inmates helped prevent her from doing that. One mental health patient housed in the general population with the female inmates who was misbehaving was asked by one of the

mental health providers, “Do you want to be stripped and put in a single cell and be naked in the cell?” There have been inmates, particularly mental health patients, who have been held in a hold for up to 30 days.

Inmates are not provided information about the drugs they are provided. Nurses do not tell them what drugs they are on. One inmate had a tooth pulled and was not provided any pain medication.

Frequently, inmates are required to wait two to three weeks to be seen by a medical professional after they make a request. One inmate stated that she had been given high blood pressure medicine for three days when she did not have blood pressure issues. Another inmate stated she had to wait a month to get the heart medications that she was supposed to be on. Many complained that it takes a long time to get the medications that they need. One inmate who is supposed to be on a renal diet was not provided with food recommended for a person with kidney problems.

Many stated that there are “so many fights” in the facility. Some stated that the corrections officers start these fights and appear to be betting on the fights. They mentioned an incident that occurred three to four years ago where an inmate was involved in a fight which resulted in a brain aneurysm. This person was spitting up blood and it took the staff a long time to finally get her to the hospital. She died three weeks later.

Another incident that they mentioned was a female who died in the attorney booth. This inmate had also been in a fight and had seizures from the fight. They took her out of a jail cell and put her in the attorney booth without any medical care. They stated that they had heard a corrections officer say they didn’t do the proper checks or rounds as they were required to do.

One female inmate stated that she’s never had a drug abuse problem until she was incarcerated in the jail. She developed a drug habit while in the jail. She had been a work aide and the drugs were passed around in the facility by the work aides. She used meth for the first time in the jail. Many times, these drugs were passed through the food slots. Also, drugs get into the facility through the mail and on food trays served to the inmates.

They commended the new policy of providing Narcan to the inmates. Regarding drugs in the facility, they described the process by which they share drugs in the facility. Some persons who are in a detox program are given Subutex or Suboxone, however, when these drugs are provided to the inmates, they don’t swallow the liquid and instead put it on a cotton ball and

bring it back to the jail cell where it is shared with other inmates. Sometimes these cotton balls are passed around by work aides.

The female inmates provided a five-page handwritten list of issues for them at LMDC which is set forth below.

**Purposefully Left Blank**

**Issues Provided During  
Interviews with Female Inmates**

- 10/20/22  
Kurted floor
- Ferguson - taking her to Multi <sup>Purpose</sup> ~~purpose~~ room. Women restrained but listening.  
Ferguson - told Rayleigh she had to go w/ him  
↳ told to falsify report
- Watched  
April herself  
Dress  
Made her  
clean up  
mess.  
↳ 2B  
Dorm  
Watched
- \* excessive force & falsified documents
  - Srg. Curgeson c/o Rayleigh & preg. woman
  - No contact order - Charity Green - Tainted By <sup>attorney</sup> CO.
  - \* Keeping inmates in ~~attorney~~ booth for more than 20 min & unclear (per suicide)
  - \* threatening recovery & power control w co/hollins
  - \* NO rec at all lockdown 24/7
  - \* NO envelopes for 6 weeks
  - \* NO toilet paper & pads had to use sheets for toilet paper
  - \* TV being shut off when news on
  - \* missed/wrong meds
  - \* Bloody Bed rolls
  - \* mats not sanitized or stuffed
  - \* medical slow response times
  - \* medical results not given

\* Starting medication w/o educating on the prescribed med

giving results in the hallway in front of others (hippa violations)

NO class D coordinator of state inmates not being shipped

lights not off 8 hours a day

State inmates not receiving classes or good time

wrong mail

no cleaning supplies

inmates being lost <sup>or left</sup> in the building

not giving nutritional meals

inmates have no options to work (some are state inmates)

inmates not receiving proper care after being assaulted

- \* mental health unrecognized
- \* grievances being given & read to the C/O's & improper procedure
- \* Sang. Furgeson had a visitor w/o proper credentials @ came on secured floor & had<sup>a</sup> sexual entanglement
- \* we were punished & forced into the multipurpose when trying to get medical attention for inmate Brooks
- \* soul meals & milk
- \* improper ~~bowel~~ <sup>bowel</sup> movements
- \* covid vaccines not being properly administered (Boosters)
- \* sulfur & sewage coming up the drains
- \* improper strip searches
- \* no newspaper
- \* visits having tech. difficulties

- \* care pack shortages & refunds not given
- \* C/O's being given copies of our grievances
- \* 2 wks w/ only one phone
- \* C/O's betting on inmate fights & gossiping about them/retaliation
- \* outdated & inaccurate inmate handbooks
- \* being told to quiet down when we laugh no fun allowed
- \* air temp @ night have to sleep w/ hot bottles
- \* air filtered (never cleaned)
- \* taking inmates off of heart meds
- \* nurses saying they are faking seizures
- \* No church <sup>(only in the past year)</sup> in almost a year
- \* inmates denied videos of immediate family funerals or denied furloughs
- \* commissary system outdated

- \* 5 gallon buckets of ice only once (per 40 inmates)
- \* over crowded & capacity no room to walk 11 or 12 on floor
- \* If you have keep frams forced in the hole
- \* drug/mental health frowned upon
- \* discharge planning not coming

Management should review the issues presented by the inmates along with the eight frequent issues listed at the beginning of this section and assess what remediation is necessary to

address these concerns. However, certain critical issues do require attention. Use of the attorney-client booth for anything other than a brief duration should not be permitted. The attorney-client booth is extremely small, does not have water or bathroom facilities. Anyone with claustrophobic tendencies would likely feel trapped and perhaps hurt themselves because of being confined in such a small space. Also, not providing necessary medicine in a timely manner should not be condoned.

Finally, “gym time” should be reinstated. It may reduce some of the inmate-on-inmate violence as well as the need for corrections officers to use force as often:

Recreation keeps inmates productively occupied while also teaching them how to make acceptable use of their free time post-incarceration. In conjunction with keeping inmates occupied in a productive manner, recreation also allows time for them to release negative or “pent-up” feelings; serving as a “safety valve” that allows inmates to displace aggressive tendencies in a productive and acceptable way (Frey & Delaney, 1996).<sup>107</sup>

Moreover, Kentucky Corrections Regulations provide:

Written policy and procedure shall provide all prisoners with the opportunity to participate in at least one (1) hour of physical exercise per day with at least three (3) exercise periods per week outside the cell. There shall be available one (1) hour of outdoor recreation two (2) times per week if weather permits.<sup>108</sup>

## **D. LEADERSHIP**

### **1. PRIOR LEADERSHIP**

#### **Dwayne Clark – Director**

Clark attended John Logan College in Carterville, Illinois. He began his corrections career in 1979 at the Menard Penitentiary in Chester, Illinois. Clark was hired as a corrections officer and rose to the rank of captain. In 1987, Clark was promoted as superintendent of the Menard facility and reported to the assistant warden. In 1988, he was transferred to the Pontiac Corrections Center, then in 1990 promoted to the Jacksonville Corrections Center as the assistant warden. In 1991, he was transferred to the Joliet Corrections Center.

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<sup>107</sup> Corrections Recreation: An Overview, <https://digitalcommons.murraystate.edu/cgi/viewcontent.cgi?article=1018&context=bis437>

<sup>108</sup> 501 KAR 130.

In 1991 through 1997, he worked at Joliet until he was transferred to the Statesville Prison in Lockport, Illinois, as the assistant warden. In 2000, he was promoted to warden of the facility which housed 2600 inmates and 1200 employees. In 2001, he was promoted to deputy director of the 4<sup>th</sup> District which encompassed 12 prisons under his supervision. In 2002, he was promoted to chief operations. All deputy directors and assistant directors reported to him. In 2003, he retired after 25 years of service. In 2004, George DeTella who was then director of Metro Corrections asked Clark to come to LMDC as the deputy director. Clark knew DeTella from working with him in the Illinois prison system. The mayor at the time was Mayor Jerry Abramson. Later in 2004, DeTella retired. Thereafter, Clark served under Director Tom Campbell and Mark Bolton.

In 2010, Clark was promoted to Chief of Staff. In 2018, he retired from LMDC. Later that year, Bolton retired, and Clark accepted the position as director of LMDC. Doug Hamilton, who was the chief of Public Safety at the time asked Clark to take that position. He believes he was hired as the director in August of 2019. He does not recall talking to Mayor Fischer about this job opportunity but that it was all handled by Doug Hamilton.

Clark recalled that the LMDC facility housed as many as 2000 inmates routinely with the highest inmate count being 2200. Part of the inmate population was housed at the Community Corrections Center on East Chestnut. This facility was a blend of jail overflow inmates and inmates sentenced to work release programs. This facility was closed in 2020 due to staffing issues primarily precipitated by COVID. The 65-member security staff was transferred to the main jail facilities.

When COVID hit, it created a “new normal.” COVID was the hardest issue that Clark ever had to manage. COVID caused people to rethink the way they worked, it created a demand by employees to control where and when they worked and how they worked.

Clark stated it was difficult to attract people because of COVID coupled with the civil unrest and rioting at their front door. This rioting at the front door was frightening to the staff and a “nightmare” to manage staff during this period of time.

Clark worked closely with the Metropolitan Health Department during the COVID crisis. During a year, LMDC would process 38,000 people in and out of the jail facility. This was a significant population that they had to manage.

Clark and his team found it frustrating that they had no control over who came into the facility or stayed at the facility. During COVID, they looked at what other options besides incarceration of the jail would be viable options – what treatment facilities or other options were available. Initially, the court system responded and got 1200 inmates out of the facility.

Kentucky State law requires the Kentucky Department of Corrections to remove State inmates from a jail within 45 days. Very rarely was that law followed. At one time, LMDC housed up to 400 State prisoners. Now they are transferring State prisoners out more regularly. They also had to contend with prisoners housed on out-of-county warrants. Many counties throughout the state would not take their prisoners back because of COVID. They were being told to hold the prisoners until COVID was over. This too increased the jail population.

The local judges also ordered 504 evaluations at the Central State Hospital to help reduce the jail population. Clark noted that many prisoners in jail would be better served in a mental health treatment facility.

Clark believed he became “a whipping boy” during COVID.

When Matt Golden became the Public Safety Chief, he came in and started collaborating with the criminal justice partners to help reduce the jail population. Another element of the criminal justice system that adds to the inmate population at LMDC is parole and probation violators who are housed at the facility. When a person is arrested for a parole or probation violation, they are housed in the LMDC facility oftentimes until they have their parole or probation hearing. At one time, LMDC was holding 120 parole violators. Clark contrasted this to the system in place in Illinois whereby probation and parole officers are told to take their violators to state prisons and not the local jail.

During COVID, they eliminated a number of programs to include church and education programs. LMDC also initiated “testing” to minimize the spread of COVID. This testing was of employees and inmates. The results of the tests precipitated people needing to be isolated or quarantined. This increased the staff vacancies at LMDC. At one time, they were up to 130 people who were isolated or quarantined at home.

In addition to COVID, when the social unrest happened in downtown Louisville and the “anti-law enforcement” mindset was exploding, this created an adverse impact on the applicant pool at LMDC. In addition, the LMDC FOP was creating bad publicity for LMDC which also adversely impacted the applicant pool. It became very difficult to recruit potential employees.

As a result, “line staff became frustrated.” They thought Clark could change things, but he had limited control over contract matters which are handled primarily by Metro Government.

The frustration between Clark and the FOP continued to increase. Daniel Johnson, the FOP President, was initially reasonable during Clark’s tenure as Director, but the FOP membership started tugging on him and he became less reasonable in terms of demands.

Johnson claimed that Clark had misled the media about incidents involving female inmates overdosing at the jail. Clark told the media that staff observed 10 females under the influence of drugs. Johnson told the media there were 15 inmates that went to the hospital when only 4 went to the hospital. Clark believes this was done to gain media attention and garner public support. Clark asked Johnson to retract his statement, but Johnson refused to do so. Johnson seemed to have friends in the media that he encouraged to report on issues at LMDC.

Clark stated that 18 months ago his wife of 35 years had a heart attack and he had to perform CPR. He called 911 and continued to do CPR. First responder and Clark unsuccessfully attempted to revive his wife for 45-60 minutes. Clark took off 10 days after his wife’s death but said he wanted to get back to work at LMDC because he considered it his family and home.

During COVID, 100 inmates contracted the illness. They were getting 11-15 positives per day from the tests that were being administered. On the day Director Clark was interviewed, he said there were “zero inmates” with COVID.

On top of staff vacancies, another 45 people were off due to COVID. This increased the stress on employees who were being forced to work overtime as well as created strife within the jail. Clark believes this may have led employees to take shortcuts. This also caused staff to not follow security policies and procedures were which increased the likelihood of “bad things happening.”

He cited instances where the required inmate observations were not being done every 20 minutes as required. There were instances where the observations were not done, but it was recorded in the logs as having been done.

New technology called bio metrics and RFID are available and would reduce the ability to misreport information. Clark said he’d been working with Metro OMB to acquire such a system. He started the process around the time 3 suicides had occurred in the jail between

Thanksgiving and Christmas. He had asked his chief of staff, Eric Troutman, to follow that process.

In addition to the general issues created by staffing, COVID, and civil unrest, Clark also had to deal with the timeliness of getting information out to the public. One of the most important things when an incident happens in the jail such as an overdose or suicide is that it is necessary to protect the integrity of the investigation while trying to be as transparent as possible.

Currently, the LMPD Public Integrity Unit (PIU) investigates these occurrences. According to policy, they have 180 days to conduct and complete their investigation. The LMDC Professional Standards Unit, which also investigates these matters, has 90 days in which to conclude their investigations. Both entities have a tremendous caseload. These timeframes leave the public wondering what happened. Most times the units do not receive the coroner's report for at least six weeks. This hampers LMDC's ability to be transparent.

LMDC was also slow to respond to these incidents. The media matters were handled by Steve Durham who was a lawyer with no media experience. Before leaving, Clark was trying to find a media relations person who could do a better job. In addition to handling the media, Durham was responsible for open records, record retention and an array of other responsibilities. Clark felt it was unfair to saddle him with the media relations and was looking for someone better suited for this position.

The personnel during COVID and the civil unrest kept hoping for a "pre-COVID days to come back." Clark reiterated that the new norm was completely opposite of what the staff experienced prior to these occurrences.

Clark was looking at whether they needed to change the hours employees worked. Clark was seeing a transition to the type of employees or applicants who wanted a different work and home life balance than earlier generations. They also wanted more say in their schedules. Employees are now wanting more time with their families. This balance is difficult in a corrections environment where it is necessary to have employees on duty 24 hours a day, 365 days a year.

Clark also stressed that the current LMDC facilities were not built as a jail. The main jail is a remodeled office building which was not constructed or designed in a fashion to provide optimum observation of inmates. He stressed the concept of a podular design which is a more modern design whereby you can reduce the number of personnel because of the design of the jail

itself. He said that currently there are seven control rooms but with a podular design you could reduce the number of control rooms and the persons who man those stations. He noted that under the current design with the seven control rooms and the main control room requiring two persons per shift it requires eight people 24 hours a day, 365 days a year. In addition to the eight people, he stated that for every five positions it's necessary to add two people to cover vacation time and people off on sick leave.

Clark strongly favored the podular design which provides a control center in the center of the facility that gives the control personnel observation 365 degrees to observe all that is going on in the jail facility. The current main jail and Hall of Justice provide a very poor line of sight with corridors that only can be observed by a person walking down a long corridor to that offsetting corridor.

He believes that an interim fix would be to reopen the Community Corrections Center which would reduce the inmate population at the main jail and Hall of Justice facility. However, the current staffing issues make that very difficult to do.

Clark also suggested that Metro Louisville consider a "criminal justice facility" whereby police, corrections, and the courts are in a large facility together. He also stated there needs to be a better partnership with the state and county governments across the state whereby the administrative office of the courts computer system could be interfaced with the jail systems to provide greater interface of information important to both and all entities.

Clark also believes that LMDC needs a training facility which would include an indoor gun range. He believes that a combined training facility which is run cooperatively rather than dominated by one entity would be beneficial.

Training is a very important aspect of the Corrections facility. The current Capt. Llaguno is a good person for the job. He believes the current FOP contract interferes with getting the best people to the Training Academy. He also believes that there needs to be more mental health training to recognize the signs of mental health and needs of the mental health inmates.

They also need to establish a trustee program whereby LMDC could partner with the Code Enforcement Department to go out and mow lawns of vacant buildings or vacant homes, do graffiti removal and pick up litter. Much of this was conducted when the Community Corrections Center was operational.

Regarding the budget, Clark believes that more money needs to be infused into the budget to upgrade the current facility until a new facility can be built. He noted that many of the elevators in the jail facilities are undependable and need extensive maintenance. Clark commended Matt Golden, the Public Safety Chief, who he found to be very helpful and persistent in his efforts to obtain pay raises for the employees.

The current medical care provider, Wellpath, has suffered a record number of vacancies and high turnover rate. This has negatively impacted their ability to provide quality care. It was Clark's observation that Wellpath did well at the beginning of their contract, but they lack sufficient personnel to provide mental health care. He encouraged a state-run mental health program to be dedicated to dealing with the mental health patients rather than dumping them in the jail facility. There needs to be developed a better sense of belonging in the jail facility.

Clark established a "mortality review committee" which consists of Wellpath employees and Corrections personnel. He believes that one of the employees, Ronna Martin, is a good person on the medical side of care.

Concerning drugs and contraband, it's his belief that much of the contraband is missed at the time of booking and that adequate searching has not been employed as strictly as it should be. He also noted that the principal body scanner is 20 years old. There is new and better technology today to see and identify drugs in body cavities.

He also believes there needs to be a new system for handling the mail. He noted that they have caught Suboxone strips trying to be introduced to the facility via the legal mail or mail that is labeled legal mail. There are numerous instances where "legal mail" is really not being sent by a lawyer.

The Intelligence Unit currently under the PSU has been in place since 2004 but is currently staffed by only one sergeant.

The commissary program run by the Trinity Company in the jail facility lacks security training and background checks of its employees. There should be orientation training. He said the commissary program should be revamped to provide better results and reduce the potential of contraband being introduced into the facility.

Clark stated that there seemed to be a commonality to many of the deaths having occurred in single cell environments. He also noted that some of the overdoses seemed to be occurring with inmates who were recently taken into the facility.

Sexual harassment has been an issue in the facility. Clark saw the development of intimate relationships between and among staff. When these relationships soured, one member of the relationship would claim sexual harassment. Sometimes, consensual sexual relationships are later claimed to be nonconsensual. Clark noted that there are officers who seem to be unable to keep their hands to themselves.

He noted that the past FOP president got into a relationship and then fell out. When she needed FOP help, he stated, “You know what you need to do to get that help,” an insinuation of providing sexual favors. There was a settlement regarding an employee by the name of Emily Duncanson which involved Tracy Dotson, the former FOP president.<sup>109</sup>

Clark also noted that the type of behavior now considered sexual harassment was prevalent and acceptable in the past. Now society is changing its viewpoint on this behavior. This tolerance for this type of behavior had been part of the Corrections culture. He said there needs to be additional training to include scenarios. He said that there has been some training, but the quality of the training needs to be better and conducted by specialists familiar with sexual harassment issues. He believes it would be beneficial for Metro Government to improve its sexual harassment policies and the way these complaints are handled. He believes there should be one department that handles all sexual harassment complaints staffed by trained investigators.

Clark has seen intimate interrelations with employees cause problems on other occasions. In fact, Deputy Director Martin Baker was involved in a matter many years ago and he was demoted at that time.

### **Martin Baker – Deputy Director**

In 2004, Baker received a Bachelor of Science in Business Administration from Sullivan University, Louisville, Kentucky.

Baker served in the US Army from 1988 through 1994 and left at the rank of E-5 Sergeant. During his service with the US Army, he served in the Gulf War, in the Iraq Theater during 1990 through 1991. He then returned to Ft. Riley, Kansas.

After leaving the Army, Baker applied for a position at Metro Corrections. He stated it took approximately one year for the application process to be completed. He served at Metro Corrections from 1995 through 2013 at which time he retired by using some of his military time.

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<sup>109</sup> See Exhibit 3-D.

In 2014, he received a call from Director Mark Bolton asking him to apply for a position as Offender Services Manager (OSM). Upon Bolton's retirement in 2018, Baker served as the interim chief of staff. In 2019, Director Clark moved him to the Deputy Director position. He remained in that position until Friday, April 1, 2022. Baker stated he decided to retire after a conversation with the incoming director, Jerry Collins, who indicated to Baker that he wasn't sure that he would keep Baker at the Deputy Director position.

In the OSM position, Baker was responsible for all programs run by Corrections such as the Substance Abuse Program, GED, volunteers, and religious programs to name a few. He noted that in the religious program alone there were 200 volunteers whom he oversaw. He also had a staff of approximately 60 to 70 people for whom he was responsible.

As deputy director, Baker oversaw operations, which included daily operations, records, maintenance, food services. He supervised two majors. He reported directly to Eric Troutman whom he described as a great guy.

Baker stated that Metro Corrections had a significant shortfall of staffing personnel. He attributed this to the fact that a corrections job is a 24/7 job that requires persons to work all hours of the day and night to include weekends and holidays. He stated that the current available workforce pool doesn't seem to want to work those hours but demands a better work-life balance that does not require weekend, holiday, and nighttime workhours. He also noted that the applicants today do not want to be forced to work overtime as is oftentimes required of Corrections employees. Oftentimes, LMDC employees are notified only five minutes before the end of their shift that they are going to work another eight-hour shift. This can create hardships for employees and their families.

Baker started noticing this phenomenon in the applicants around 2015. This was before the COVID pandemic occurred. Even before the COVID pandemic, they were having difficulty getting applicants particularly for the food services area of Corrections.

In talking to the Corrections recruiters, he was told that there simply were not enough applicants. Baker stated that in 1995 when he was hired, Corrections had ample applicants and, in fact, turned away applicants. However, starting in the timeframe of 2015, they began hiring virtually anyone they could get and generally did not turn away applicants.

In 1995, they routinely had 20 to 30 applicants or recruits in a class whereas today they are fortunate if they can get 10 or 12 recruits to a class. In addition to the work-life balance

seemingly demanded by today's applicants, he also cited the starting pay as a deterrent to getting applicants. He also recalled giving some new recruits a tour of the jail facility during which the applicants observed inmates defecating in their cells and smearing that on their jail windows and urinating in the jail cells. After seeing that, some of the recruits changed their minds about wanting to work at the Corrections facility.

As a result of the diminishing work pool, Corrections started to go to military bases and colleges that offered criminal justice degrees to coordinate and collaborate with those entities trying to get potential applicants. Then in 2020, civil unrest erupted in Louisville and across the country which created great angst for the Corrections employees. Protesters were impeding employees' ability to get into the Corrections building, were banging on windows of the Corrections building and jumping on cars outside Corrections that were owned by Corrections employees.

Baker stated that the Corrections employees were tremendously dismayed that the police just stood by and did nothing while the protesters damaged the employees' vehicles. As a result of the social unrest, Corrections had to provide protection to their building and to their employees which once again pulled staff away from their main responsibilities of overseeing the inmate population.

Compounding the problem, corrections officers were seeing police officers in Louisville getting raises even though much of the social unrest was originally generated by actions by LMPD officers regarding Breonna Taylor. Not only the Corrections staff but also the Corrections management such as Baker were dismayed by the police getting raises whereas the Corrections personnel were not. Baker lamented that throughout his employment in Corrections it seemed that the political persons responsible for salaries were providing the police with good raises whereas Corrections personnel only received small raises. It was his opinion that the Corrections personnel were being treated as stepchildren. It was his impression that government officials did not respect corrections officers and what they did. It was his belief that many in the government were not knowledgeable of what corrections officers are required to do.

During the civil unrest and the COVID pandemic time period, corrections officers were seeing civilian employees being paid \$17 and \$18 an hour to work at a fast-food restaurant whereas corrections officers were being paid less and required to manage a large inmate population potentially exposing them to COVID and having to deal with the civil unrest outside

of the building. This was a huge detraction to getting new employees and caused some Corrections employees to leave for other employment opportunities.

Baker went on to say that the Corrections FOP advocated for their members to get pay raises but when those pay raises were not forthcoming, they tried to bully Director Clark and the senior staff by bringing isolated incidents to the attention of the media. The FOP representatives were disclosing information concerning inmates falling ill from drug overdoses and other things to the media's attention in an effort to force Clark to do more than he was doing in terms of trying to get raises for Corrections employees.

It was Baker's belief that Clark was already doing all that he could to advocate for the corrections officers. During the time period that Metro Corrections management was struggling to get adequate staffing in the Corrections facility, Metro Government was only "throwing them a bone" rather than giving corrections officers adequate raises. One of the "bones" Metro Government threw at the corrections officers was paying them double time when they were forced to work overtime. He believes that Metro Government thought that people would volunteer to work overtime if paid double time; however, employees were exhausted and wanted more time with their families and greater pay raises overall.

Metro Government also agreed to a program where if an employee brought in an applicant, they would receive incentive pay. Finally, after much consternation, Metro Government gave corrections officers a raise. Baker was critical of Metro Government taking over a year to finally come through with a pay raise for corrections officers.

At the same time that the Corrections FOP was bringing matters to the attention of the media and creating stress for Corrections management, Metro Council President David James "jumped on the bandwagon with the union." Baker said that President James publicly recommended that Clark resign. Baker thought this was inappropriate since Clark was a tremendously experienced Corrections manager with 43 years of job experience. Baker noted that Clark began his career as a manager in the Illinois prison system. He described the treatment of Clark by President James and other council members as "absolutely unfair."

Baker went on to say that Clark had tremendous knowledge about the jail inside and out but got caught in a dual problem having to manage the COVID pandemic and civil unrest outside of the Corrections facility. During these difficult times, Clark continued to try to recruit personnel. Recently, Clark has implemented additional measures to try to counter the

introduction of contraband into the jail facility to include obtaining a new body scanner and mandating better body searches for all inmates coming into the jail facility.

When discussing the recent deaths at Metro Corrections, Baker stated that, “In reality, people are going to die, it happens in corrections.” He went on to say that “People die in hospitals, how do we stop people from having strokes, heart attacks or bleeding out from ulcers?”

Baker stated that initial medical assessments are given to all inmates entering the facility; however, those assessments are only as good as the information provided by the inmates. Oftentimes, the inmates do not cooperate and do not give information about existing medical conditions, especially mental health issues.

Baker stated that people blamed Clark because he’s the director, but Baker noted that they did not lose one inmate during the COVID pandemic. Again, Baker described Clark as doing a good job during the COVID lockdown and during the protests that were being conducted in the park right across the street from the Corrections facility. Because the police were not doing a sufficient job to protect Corrections employees, employees were required to park at the Fairgrounds near the airport and be bused to the Corrections facility and then had to walk through crowds of people who were armed with rifles and guns strapped on. This was incredibly intimidating for the Corrections personnel.

Baker went on to say that under Clark’s leadership, Corrections achieved seven national accreditations including PREA, NCCHC, and ACA which he described as the “big three” accreditations for corrections facilities.

Baker also stated that Director Clark would bend over backwards for the FOP. An example cited was that the FOP would send personnel to an annual conference concerning FOP matters. The Corrections FOP leadership would want to send 10 to 12 people to these conferences. That would further strain the personnel resources at Corrections. Despite the adverse impact of allowing that many people to go to a conference, Clark would permit it which would require Corrections staff to force other people to work double time. Baker stated that the executive staff was against allowing this to happen. Baker himself told Director Clark that sending that many people would leave the jail short staffed, but Clark said, “Let them go to the conference.”

Baker also described what he believed was interference from Metro Government officials which had an adverse impact on Director Clark and the management staff's ability to run the Corrections facility efficiently. He gave as an example some problems at the Training Academy involving a corrections officer. Until one year ago, this officer was the Corrections FOP president. When inappropriate behavior was reported concerning this officer, Baker contacted the officer and said that he needed to come to headquarters for a meeting. Instead, this officer called a Metro Council person who in turn called Public Safety Director Matt Golden to say that the officer would not be coming in for that meeting.

Baker had learned that this officer had "cussed out a recruit" and made comments concerning a recruit's ethnicity. Baker said that both he and Director Clark felt that if the FOP wanted something they could go to the council circumventing Clark and Baker which made it "hard operating the jail like that." Baker stated that Director Clark felt that he could not tell the FOP no "because they'll call" someone at Metro Council. Baker thought that Director Clark was between a rock and a hard place because of this political influence. Baker stated that around 2020 to 2021, this political interference seemed to become the norm.

During this time, an officer was facing a disciplinary hearing. On the day of the hearing, a Metro Council person "showed up" and the management staff felt intimidated by his presence. Baker also noted that during the time when they were attempting to contend with the COVID lockdowns and the civil unrest along with staff shortages they were publicly hearing from the Metro Council how they should be running the jail. Baker stated, "What do they know about operating a jail; they do not have jail background, what credentials do they have." Baker noted that Director Clark had 43 years of corrections experience, Baker himself had 27 and Chief of Staff Eric Troutman 23 years of corrections experience. He again noted that the political influence made it hard to operate the jail.

Concerning the political influences at Metro Corrections, Baker also cited as an example effort by Metro Council person. Baker stated that a council person came to see Baker and Director Clark and expressed her belief that Corrections needed to form a K-9 Unit. Director Clark and Baker responded that they had unlimited access to LMPD's K-9 Unit as well as the Jefferson County Sheriff's K-9 Unit. It was Baker's position that, "We don't need a K-9 Unit."

Baker believed that the Corrections FOP wanted a K-9 Unit and solicited a council person's support. At the time, this council person was seeking reelection and the support of the

Corrections FOP. It was Baker's belief that she wanted the K-9 Unit because she had made a deal with the FOP to get their support in return for her support to have a K-9 Unit formed.

Baker did not believe that a K-9 Unit was needed. Again, he reiterated that they had ready access to the K-9 Units at LMPD and the Jefferson County Sheriff's Office. He stated that forming a K-9 Unit would take staff away from the security of inmates and defer funds that could be used in other places. He noted that the jail has a 10-year-old body scanner that needs to be replaced along with other technology. The money for those needs would be diverted to the K-9 Unit when the monies could be used to help fund these greater needs at the jail. Baker further believed that the FOP had somebody in mind for the K-9 Unit who was a dog trainer that they were trying to put in the position as a Corrections K-9 officer.

Baker continued in his discussion about undue political influence on the management staff at Corrections. He again cited an officer at the Training Academy. Management staff wanted to remove him from the academy for a variety of reasons to include allegations that he was asking recruits for naked pictures. Once again, that officer contacted a council person who called Eric Troutman and said that they should not remove this officer from training despite the fact that applicants had been complaining about him. Baker stated that Corrections had recently settled a sexual harassment case for \$60,000. The corrections officer who filed the lawsuit was Emily Nichols.<sup>110</sup> Baker stated that, "It's hard running the department like that," with outside influence.

It was his opinion that training staff should be very professional and with high ethical standards. He did not believe an officer involved in a sexual harassment lawsuit was suitable for the Training Academy. He further believed that there was a provision in the FOP contract that would allow the management staff to move an officer out of the Training Academy for this reason. Baker said because of the political influence, "I can't call him in for a conversation." Baker said the officer encouraged a council person to attend his disciplinary hearing. Baker believes that one of the reasons that the council person was asserting themselves into Corrections matters was that the council person was a potential candidate for mayoral and wanted the Corrections FOP support.

Baker stated it was his belief that they could move an officer out of the Training Academy pursuant to Article 11 of the FOP contract which allows management to move persons

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<sup>110</sup> See Exhibit 3.

at the discretion of the director. However, anytime they tried to do so, someone from Metro Council would get involved. Baker also noted that there were instances where people who had worked at Corrections left but then wanted to come back. In some of these instances, Baker did not believe the person was a good fit and did not want them to be rehired, but that the FOP President wanted the person back and would call a council person who would again push to have management rehire that employee.

Baker mentioned the name of Officer [REDACTED]. Baker also noted that a corrections officer by the name of [REDACTED] who was a female and assigned to the Training Academy had been bullied by an officer at the Academy. He also related that management had been told that an officer at the Academy had called a black girl a “West End chick.” He also believes that the officer has used the N word in front of recruits. It was also alleged that the same officer said to an inmate, “I don’t like you because you’re black.” He had also heard that this officer had spit in an officer’s drink who then drank the beverage. Baker recommended that the disciplinary, “green files,” be obtained which would reflect many of the examples of disciplinary problems with this officer and noted there were media reports about these scandals at Corrections.

Another example involving a Training Academy officer was when Baker had scheduled mandatory COVID vaccination training at Corrections headquarters. Baker contacted the head of the Training Academy and said, “We need your whole team to come to headquarters for this training.” On the day of the event, one of the training staff did not attend. When Baker inquired about why this officer had not come to the training, the supervisor stated, “Because he didn’t want to participate.” Baker instructed the sergeant to discipline him. However, it was Baker’s opinion that the sergeant believed he couldn’t discipline that officer because he was “untouchable” because of political connections. Sometime thereafter, the sergeant left the Training Academy because of that officer.

Currently, medical care is provided at the Corrections facility by the Wellpath Company. It was Baker’s opinion that Wellpath does an okay job but they, like Corrections, are facing staffing issues. Initially, they had staffed 72 fulltime people at the jail, but they are now 15 to 20 percent down from that full staffing level. The medical care contracts last for approximately three to four years. Baker noted that Wellpath is having difficulty getting nurses to come onboard because they can get significant starting salaries and bonuses going to hospital facilities. Baker stated that this is “hard on them (Wellpath) and in turn hard on us.”

At the time of the signing of the contract with Wellpath, their wages were sufficient to compete with others; however, with the COVID staffing needs and the bonuses being offered by hospitals, it became difficult for Wellpath to compete.

Baker stated that Wellpath did everything that they were asked to do. Wellpath employees do the initial medical assessment of all inmates coming into the facility. He did state that the mental health screening could be better performed but noted that many of the inmates are not cooperative and if they don't provide sufficient information to the Wellpath staff, it's hard for them to provide adequate guidance as to the care of the inmates.

Baker stated that one of the reasons that contraband is getting into the facility is the corrections officers are not doing a sufficient job of searching inmates as they come into the facility. He stated that although they have a body scanner it is 10 years old and can miss some items being brought into the facility. Some corrections officers don't think they need to do a good job of searching because the person is going to go through a body scanner; however, adequate searches and questioning of the incoming inmates are necessary.

Baker acknowledged that some corrections officers and staff may be bringing contraband into the facility. Some of the contraband is also being mailed to the facility either in the personal mail or the legal mail. Recently, Director Clark implemented new procedures for the receipt of mail and now all mail is copied, and the inmates receive only a photocopy of the letter. Baker noted that in a conversation with Kentucky Corrections Commissioner Cookie Crews she noted that that was the procedure they had implemented in the Kentucky prison system; however, it was being challenged in a lawsuit.

Baker also stated that police K-9s are being used to do periodic checks at the jail facility. Baker noted that inmates secrete many things within their body cavities both male and female. Again, Baker noted that the current body scanner can miss small items or baggies of powder. Another procedure that was recently implemented was a two-person review of the body scanner results. This helps get a second opinion on what the scanner has seen. Sometimes under review by only one person, items get missed. Additionally, inmates who are moved in the facility receive pat-down searches before they're moved to another location. All inmates who go out of the jail except for court appearances are physically searched upon their return to the jail.

Baker acknowledged that employees are not scanned when they enter the facility. He believes that it would be inappropriate to do this because employees have to be trusted. With

regard to contractors such as plumbers and electricians entering the jail facility, Baker stated that those persons are escorted throughout the facility by corrections officers and so it would be difficult for them to pass drugs to inmates.

Baker noted that in the past sometimes commissary personnel have brought drugs into the facility as have kitchen and medical personnel. These people, however, are not run through the body scanner nor are they given a pat-down search when they enter the facility. They do go through the magnetometer which would detect any metal items on them.

Baker stated that the current jail facility is very antiquated and ancient. The primary facility was converted from an office for the Metropolitan Sewer District (MSD) into a jail facility. Baker does not believe that the persons involved in the renovation of the MSD building into a jail facility had sufficient knowledge about what was needed to make it a functional jail.

The current jail is what he described as a linear jail where corrections officers are required to walk down a corridor to check and observe inmates. This provides a bad line of sight for corrections officers. The more modern concept is called a podular concept whereby the main control center for each floor is in the center and the corrections officers in the control center have a 360-view of the floor. Having this concept in place not only enhances security but it also may result in a reduction of needed personnel. Currently, each floor is staffed with six corrections officers but with a podular concept only two officers would be needed to observe inmates on that floor. Baker described this as a 60 percent reduction in staff.

Baker stated that sexual harassment is a problem at the facility. He cited [REDACTED] as an example of this and noted other cases involving male staff members to include one staff corrections officer who pulled out his penis in front of a female. Another instance cited was a sergeant kissing a female employee on her forehead. Another corrections employee asked that same female if she would do a lap dance on him. Another corrections officer is said to have rubbed this same female officer's shoulders. This employee he identified as Michelle Sogan.

Baker stated that although there have recently been seven to eight deaths in the past six or seven months this is not the norm for the facility. Baker once again stated, "How do you stop a person from having a heart attack, seizures or ulcers that bleed out or prevent suicides of inmates who did not provide adequate mental health information on intake?"

Baker stated that they currently have a system called X-Jail Management System into which information is input anytime a person reports possible suicide inclinations. He stated that

there were a thousand reports per year entered into the system concerning potential suicide. Baker stated that, "If a person wants to kill themselves, they'll just do it. If we see signs, we do take preventive action." Baker believed they had prevented a thousand suicides in the past year through this process and utilizing the X-Jail Management System.

Baker stated that the FOP contract makes it difficult to discipline employees. He stated that there is a long process that must be followed to discipline an employee. He noted that in most instances an employee must be given a verbal warning, a written warning and that the progressive disciplinary continues with an employee conference, suspension and ultimately termination. Oftentimes, the FOP will argue that the Corrections management did not follow the required progressive disciplinary steps. He also noted that the FOP will oftentimes fight cases that on their face exhibit very bad behavior of an employee and yet the FOP will try to appeal disciplinary action meted out to that employee.

He noted a case in which a corrections officer was sleeping in the jail while on duty who was suspended. Baker stated that the Corrections standard operating procedure specifically states that no employee should sleep inside the secure facility of the jail. Nevertheless, the FOP appealed the suspension of this officer who was found to have been sleeping inside the secure portion of the jail. Ultimately, the mayor's office through the Human Resources Department dismissed the disciplinary action.

The employee claimed that he was on his break and not inside the secure facility, however, the jail log did not reflect that the employee had signed out for a break, and it was determined that he fell asleep inside the secure portion of the jail. Baker believes there were two instances where the FOP fought disciplinary action for these types of cases. He also noted that the FOP fought the case involving an officer who exposed his penis. In another instance, the FOP fought the firing of a corrections officer who had tried to bring drugs into the facility. In that instance, the FOP contacted someone at Metro Council.

### **Eric Troutman – Chief of Staff**

Troutman received his Bachelor of Science degree from Murray State in 1998. He has worked at Metro Corrections for 23 years. He began working for Corrections in June of 1999; his wife also started working for Corrections in 1999. Troutman stated that over those years he

has served under “a lot of directors.” He noted that in addition to the permanent directors there were numerous acting and interim directors during his employment at Corrections.

He noted that one director, Mike Horton, did not impress him. He stated that Horton seemed laissez faire and not progressive or not one to think outside the box. During 11 years of his tenure, he was a nonsworn person working in administration. For three years, he worked on policy and fire safety. In 2013, then Director Mark Bolton promoted Troutman to deputy director. Troutman served in that capacity for eight years. In 2019 after Bolton retired, Troutman was put in as the Acting Director. When Director Clark was hired, Troutman was promoted to Chief of Staff.

As chief of staff, Troutman did “all budget stuff, special projects, contracts and generally took care of whatever needed to be taken care of.” Before Clark originally retired from LMDC, Clark was chief of staff. In that capacity, Clark served in a different role than when Troutman was put in as chief of staff. When Clark was the deputy director/chief of staff, he was focused more on operational and staff-intensive matters. Troutman, however, worked mainly on finance matters, IT, and business ops.

Troutman noted that the LMDC facility is actually a city within a city. This micro city has its own police force (corrections officers and a medical staff).

Troutman candidly shared that he was not really a “budget or finance guy” when he began as chief of staff and took over the budgeting and finance part. He didn’t even balance his own checkbook. Troutman stated that it would have been helpful for him to have had some finance experience, but he had none. This resulted in him walking through “a mine field.” He spent a lot of his time trying to learn finance and budgeting but received virtually no training.

His role resulted in him developing a \$52 million budget but, “It would have been helpful to have training on this,” instead he was “thrust into this position.” It took him about three years before having a good handle on this role. Before Troutman left, he tried to train people to be his replacement. He worked with Ronna Martin who’s a contract specialist to develop the Corrections budget.

Troutman and Deputy Director Martin Baker were the designated approvers for purchases and spending of money. One of the first purchase requests presented to him was a \$10 million medical contract. He noted that at times there was a high volume of purchase requests, but all purchase requests could only be approved by Troutman or Baker. He stated that

although anyone can request a purchase not everyone has training on where to assign those purchases to a cost center. When a request came to him, he would assess whether the contract was attached and whether the contract was within the appropriate spending limits. There were times when a purchase order would be sent to him by someone in Supply, but it did not have an explanation as to why the purchase was necessary. Troutman found this to be very time consuming.

LMDC makes many purchases that other agencies are not required to do such as the purchase of shower soap, shampoo, towels, teaspoons, and other necessities to operate a jail facility. Troutman believes that the approval of purchases should be designed to have a tiered system whereby up to a certain amount of money could be approved by lower-level employees. He also believes that shift captains should review these requests for purchase to help them understand the administrative piece of the Corrections Department. Again, he reiterated that no matter what the dollar amount of purchase was only he or Baker could approve the purchases. This consumed much of his time.

He recommended that lieutenants or above be able to approve purchases up to \$1000; captains purchases up to \$5000; and majors up to \$10,000. Troutman had suggested this to Director Bolton, but he was “dead set against it.”

Under Director Bolton, he took away much of the midlevel manager’s decision-making ability. This made those midlevel supervisors very weak. He noted that under Director Bolton, captains and lieutenants were not able to make many decisions and those matters were handled by majors or above. When Director Clark came in, Troutman suggested to him that they spread the job responsibilities to midlevel employees. Clark agreed that that was a good idea. When this authority was moved to the captains and lieutenants, they tended to be afraid to make a decision to include making security assignment changes. They would seek approval from upper management.

He tried to develop a philosophy that when people came to him with a problem, they should bring along recommendations. He stated that the supervisory staff struggled with simple tasks such as shift assignments for fear of being second guessed. Regarding financial matters, he believed captains should be involved in that process to help them understand that aspect of the Corrections. He suggested that to Clark who said, “If you’re comfortable with it, I’m comfortable with it.” However, they never did get that far implementing that concept.

He stated that the Metro Government finance process is very complicated. The finance rules and procedures govern how you spend. He stated there was “a lot of finger pointing” concerning finance matters that did not get handled quickly.

When the COVID pandemic hit, it slowed things down in the jail facility. They had some difficulty getting the midlevel managers to buy into the policies they were creating to deal with the pandemic.

Regarding budget preparation, under Director Bolton only the executive staff had input on the budget. It was very restrictive input on who could say anything about the budget.

Under Director Clark and because of COVID, the budget for fiscal year 2020 was identical to the budget for 2019 and similarly the budget for 2021 was the same as fiscal year 2020. Finally in 2022, they worked on a revised budget. He said, “to be honest most of the budgets from LMDC are a continuation of the prior year budget.” Thus, the budgets are the same unless some major issues or needs arise. People working on the budget were Metro Chief Financial Officer Monica Harmon with input from OMB. The mayor is required to approve the budget and the council receives a copy of it. During the budget meetings, most of the work was done by the chief financial officer in conjunction with OMB. Because civilian personnel had significant involvement in the development of budgets, sometimes matters that the Corrections Department believed were necessary were denied. He cited as an example their request for eight years in a row to purchase radios so that everyone in the facility would have a radio. He said that they kept getting told no until Metro Corrections received COVID grants. Troutman stated in his opinion purchase of radios would follow under the parameters of the COVID grants.

During the process of trying to acquire radios for all officers, they received significant pushback from the civilian Metro Government employees involved in the matter. Finally, Troutman believed that the COVID funds could be used to purchase the radios and went ahead and ordered them. He stated that, “I got an ass whopping for doing it,” from the CFO and others in Metro Government. Nevertheless, he was able to accomplish getting the much-needed radios. He received no help from anyone or guidance from anyone in Metro Government on how to acquire the radios.

Another necessary piece of equipment that Troutman believed LMDC should buy was body cameras. Once again, the civilian persons involved in the purchasing process did not

understand why all officers needed a camera rather than sharing cameras. He was also working on getting everyone a ballistic vest but was unable to do so before his term expired.

In his opinion, the jail facilities are not sufficient. The main jail was renovated from an office building into a jail. The building itself was never designed for housing prisoners, which he described as a community of people who don't want to be there. Over the years, there were many instances of inmates stopping up the toilets using a variety of things including bedsheets. The main jail also has a horrible line of sight. Staff cannot see everything from the supervisor's desk or control rooms on a floor. In many instances, staff cannot see into a cell or dorm unless they walk from their station to see each dorm but in doing so there are other cells in dorms on the same floor around a corner that officers are unable to observe. The main jail, which was put into service in 1999 has continued to deteriorate over the years. It was Troutman's opinion that there are a sufficient number of cameras in the building.

It was his opinion that the big three issues that should be addressed are 1) repair or replace the intercom system which is aging and sometimes nonfunctional; 2) fix the flooring, there are numerous potholes throughout the building, estimates for repairing these potholes was \$3 million; and finally, 3) renovation of the elevators which are many times unreliable or out of service.

Again, Troutman lamented the budget process whereby on many occasions he informed the CFO Office of Management and Budget and the mayor that these items needed to be funded. Instead, much of this maintenance was deferred. They did receive in the annual budget \$500,000 for maintenance work which Troutman said was tremendously insignificant to accomplish what they needed to maintain the building. He stated that in his last year at Corrections they spent a million dollars on maintenance matters. He called taking care of the jail facility as a triage like in a battlefield. He said the money allocated to maintenance of the building has been woefully inadequate over the years. He said the jail facility was simply not designed or originally built to be a jail.

With regard to staffing, Troutman stated that the climate in law enforcement is currently not very good for hiring people. He stated that it is a national problem. It has a been a struggle and a hardship trying to recruit people to work at Corrections. One of the major issues concerning recruiting is the pay is not where it should be to attract people. He stated they were constantly asking for more money for personnel, but the necessary money was not budgeted for

Corrections. He stated that, “We didn’t get the support we needed to get the money we needed.” Troutman did state, “We might have done better with our arguments.” Troutman went on to say that to lay the blame for the conditions of the jail and the inadequate staffing on one person such as Director Clark is unfair. He stated that no one on the executive staff disagreed that employees and corrections officers needed more money. He acknowledged that there is inadequate staffing at the jail.

He thought the worst years were 2013 or 2014 when the jail was fully staffed. It was his recollection that in 2017 they did not have any deaths.

Troutman went on to question why people believe people can’t die in a jail. He said that people die every day in the community from a variety of things and that the jail is a micro community in and of itself so that deaths should be expected to occur from time to time.

He also noted that due to the lack of staffing there was an emphasis on quantity versus quality of getting new recruits in. He noted that he has a criminal justice degree and does not have the experience or knowledge in recruiting. He believes they should hire a marketing firm to help them with recruiting. He believes there were sufficient personnel for recruiting. The main recruiter is Corrections Officer Andrew Young. Human Resources Director Wanice Tunstull also helps with the recruiting.

Troutman stated that the current medical provider, Wellpath, does a “good or adequate job.” He emphasized that the jail is not a hospital or even an urgent care center. The jail is not designed properly as a medical facility to provide the care needed for many of the inmates. He noted that they had increased the medical staff to ensure they had someone in the mental health field on duty 24 hours a day. He also stated that approximately 25 percent of the population has mental health issues or drug issues. He thought it would be helpful to have a dedicated mental health wing and a detox/drug wing.

It was his opinion that reducing the amount of contraband coming into the jail facility requires more hands-on searches. Although technology is important, it’s still important to conduct hand searches. It was his opinion that many in the jail facility had lost the art of searching. Inmates constantly are trying to “beat you at your job.” They have 24 hours a day to think of ways to defeat the systems put in place to preclude contraband entering the facility. He did not believe that personnel are adequately trained and should not rely on technology to thwart

contraband coming into the facility. His opinion is that technology can aid in that process but should not be relied on exclusively.

He believes that one or two percent of the staff create problems. He stated that corrections officers have their own way of handling things. He said the older staff consider their comments to be banter and not sexual harassment. However, the younger staff doesn't understand banter. He acknowledged that sexual harassment is a problem in the jail facility. He noted that sexual harassment goes both ways as some females sexually harass males as well.

He thinks it's important that it be ingrained in new recruits at the academy that sexual harassment will not be tolerated. Troutman stated that most of the positions at the Corrections facility are based on seniority and not based on experience, skillset, or talent. He cited as an example person in the Maintenance Department handling plumbing matters don't need to have had any experience in plumbing and yet will be sent to the Maintenance Department to handle plumbing matters. In many instances, the administration of the jail has their hands tied because of the FOP contract. They don't have the ability to select people with the skillsets and experience necessary. Troutman was the FOP vice president for three terms. The FOP contract tends to handcuff administrators. He reiterated that people at the Training Academy need to have the skillset to train and teach. Nevertheless, the FOP does not want to relinquish its bidding rights on the jobs that are based on seniority.

With regard to the Training Academy, Troutman had moved an officer out of the Training Academy twice, but he has returned. He was removed because of issues related to character and sexual harassment. Putting him back in the Training Academy does not convey an appropriate image that Corrections should be setting for new recruits as well as existing personnel. Troutman stated that this officer "creeps me out, my skin crawls when he is around." He stated that the way this officer delivers his knowledge can be abrasive. It doesn't seem that he tries to build a team. He also described him "as manipulative and out for himself."

On one occasion, Troutman removed him because he was involved in a lawsuit alleging sexual harassment of an officer. Clark overturned that decision and put him back in the Training Academy without consulting Troutman. When Troutman confronted Clark about this, Clark responded, "Talk to the mayor's office." On another occasion, a recruit complained that they were being picked on or bullied because of their nationality. Human Resource Director Wanice Tunstull observed the incident. Once again, this officer was removed but then put back at the

Training Academy. Troutman stated that there's a huge file of issues related to this officer. Troutman concluded that, "[REDACTED] is a plague out there."

### **Steve Durham – Assistant Director**

Durham graduated from the University of Louisville with an undergraduate degree in 1979 and received his law degree from the University of Louisville School of Law in 1983.

After graduating from the University of Louisville, Durham entered solo private practice. For approximately ten years, he performed public defender work in Shelby, Nelson, Oldham, Henry, and Trimble Counties. Thereafter, he started to develop a practice of defending law enforcement officers in civil rights matters.

In 1996 through 2004, Durham worked for the Department of Corrections as the general counsel. In 2004, he was hired by the Jefferson County Attorney's Office and worked in the Civil Litigation Division.

In 2015, Durham was approached by the Louisville Metro Corrections Department (LMDC) Director Mark Bolton. Durham had met Bolton during his employment at the Jefferson County Attorney's Office. Durham had provided representation in some of the litigation matters involving the LMDC. Bolton approached Durham and asked whether he would be interested in an in-house legal counsel position at the LMDC. A short time later, Bolton created a position with the title of Assistant Director. In that role, Durham provided legal advice on various legal matters, reviewed policy changes, helped write policies, worked with the Public Standards Unit at LMDC to review their investigations and work product, and helped write reports for PSU to include review of grammar and substance of the reports. He also participated in responding to subpoenas and requests for information from LMDC.

As the assistant director at LMDC, Durham also handled open records matters and operated in the capacity of media representative and spokesperson for LMDC. Durham also provided some training at the LMDC Training Academy on the topic of Media Relations (1.5 hours) and What Happens If You Get Sued (1.5 hours). In this role, Durham did not provide training on Use of Force Legal Issues.

About training, Durham believed that there were deficiencies in the training and also with the training staff. An example that he cited was from 2016 when he first asked to review the training program at the LMDC Academy. He asked the captain to share with him what topic was

provided to recruits on the first day of the academy. He was told that recruits received Code of Ethics Training as their first topic. Durham requested a copy of the PowerPoints utilized for that training. Durham given a copy of the PowerPoints slides that were used in the ethics class which consisted of five pages of outlines and two pages of pictures. Durham provided a copy of these items through Sgt. Tim Dearing. Durham described these PowerPoint slides as very elementary and insufficient in establishing what the code of ethics for LMDC was and lacking in setting a foundation for an ethical culture at LMDC. A copy of these PowerPoint slides is attached to this report.<sup>111</sup>

After reviewing the PowerPoint slides which he described as elementary in nature, it was recommended that the then training staff be removed and new leadership brought into the training program. After the training staff was removed by Director Bolton, the FOP filed a grievance about the removal.

Durham believes that the Training Academy should consist of persons other than merely corrections officers but consist of subject matter experts especially in topics such as sexual harassment and ethics. He suggested that professional trainers be brought in to provide training and to audit the training program to ensure that it is valid evidence-based training and that the delivery methods of that training consist of the best practices to facilitate the receipt of the information and the understanding of the information. It was his opinion that additional training on sexual harassment needs to be established. He also recommended that this training be provided by someone other than corrections officers to include, perhaps, someone from Human Resources or a person with legal training.

Durham believes that the current training emphasizes defensive tactics, and that the curriculum has a heavy emphasis on defensive tactics. Although Durham agreed that defensive tactics training is important to the job of corrections officer, he suggested that de-escalation techniques should be emphasized and that recruits be trained on how to care for people, to understand the human plight and needs of getting proper care for the inmates rather than focusing on use of force against the incarcerated population.

Durham also stated that in addition to the training curriculum changes, the training staff selected to provide the training need to have the skillset to provide proper training. It was his

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<sup>111</sup> See Exhibit 4.

opinion that simply being the corrections officer does not provide a person with the skillset to provide proper training for the recruits.

He also noted that the training staff provides recruits with a window into the culture of corrections and that the training staff needs to inculcate recruits with the belief that corrections officers must act ethically and not participate in sexual harassment. He noted that sexual harassment seems to be part of the culture at LMDC. He believes part of this stems from the initial training and training staff at LMDC. He noted that LMDC has had numerous sexual harassment suits filed against it. He noted that recently a male corrections officer had been having sex with females while he was in uniform and on the job at LMDC. Durham stated that Lt. Redmon in the Professional Services Unit would have the list of cases involving sexual harassment and other misconduct by LMDC employees.

Durham reiterated the importance of having the appropriate personnel providing training to new recruits to set the tenor of what is expected and not permitted by corrections officers. He noted that there had been several instances where a current member of the training staff, [REDACTED], had been involved in numerous relationships with employees that bled over into the work environment. He noted that an officer was accused of having a sexual relationship with a female sergeant whose husband was also a sergeant at LMDC. After the sexual relationship had stopped, the female employee claimed that this officer continued to harass her and push for continuing sexual relationships with her. At one point in time, she went to the officer seeking his help [REDACTED] and she said that she knew what she needed to do to get his help implying that she needed to capitulate to his sexual overtures in order for him to provide the requested assistance. Durham stated that this officer seemed to brag about his sexual relationships.

Director Clark and Durham attempted to move an officer out of training, but a Metro Council person called Director Clark and said they should not move him out of training because that might be perceived as retaliation. This was an example of what Durham considered political influence on the management decisions at LMDC. It was his belief that LMDC management should be able to execute important decisions especially as it relates to personnel without political influences on those decisions.

Durham also recommended that changes be made in the FOP contracts to give management more discretion on assignments. It was his opinion that many critical assignments need to be based upon merit rather than simply seniority or mandates of an FOP contract. He

believes it would be advantageous for the LMDC management to be able to use their personnel resources appropriately without being impeded by the requirements of the FOP contract. He also suggested that personnel at the captain and above level not be part of the FOP process. He believes that persons at that supervisory level need to be committed to the management staff and policy decisions rather than being beholding to the FOP and subordinates over whom they provide supervision. Again, he believed that captains should be out of the bargaining unit process. Durham believed that persons with specific or special skillsets such as persons who might have plumbing, electrical or other skills suitable for the Maintenance Department that management should be able to place those persons in the Maintenance Department where their skillsets would be best utilized. Under the current process under the FOP contract, this is not always the case.

Durham again reiterated that the Training Division sets the culture of the institution at the outset of the employee's entry into LMDC. Those persons in the Training Staff should have impeccable credentials and not be involved in sexually harassing employees and should convey the importance of ethical conduct and not participation in inappropriate things such as sexual harassment. Under the current system, that has not always been the case as illustrated by a lawsuit filed against a Training Academy officer.

Durham also suggested that better psychological vetting of potential employees be conducted. He cited some cases involving employees who are involved in inappropriate actions and use of force that may have been screened out had better psychological vetting been employed in the hiring process. He cited the example of the Shwartz and Edwards case, Darrell Taylor, and the recent case involving two officers who dragged an inmate through the inmate's puddle of urine. Durham questioned whether these were isolated incidents or a greater problem within the institution that should be addressed either in the hiring process or the training process.

Durham stated that there were three areas that generated the most litigation at LMDC – use of force, medical care, and failure to protect inmates. It was Durham's opinion that better training should be provided to employees to understand the need to provide proper medical care, protect the inmates from other inmates and to limit the use of force when truly necessary.

He also stated that the medical staff stays very busy and emphasis on medical screening needs to be an important aspect to persons coming into the jail setting. It was his opinion that

overall, the medical staff does a good job. It was his experience that some of the contracts over the years have involved companies that were better or lesser able to provide proper medical care.

Durham noted that the COVID pandemic created significant stress in the corrections facility to ensure the safety of the inmates and staff. The management team conducted daily reviews with medical staff, various class teams and others in the facility to develop better plans each day to cope with the COVID illness. COVID impacted the staffing levels because employees contracted the illness and had to be isolated and kept from work.

Durham also noted that during the COVID pandemic they were also faced with huge civil unrest protests at their front door of corrections. These protests adversely impacted employees' abilities to get to work and had to focus on their primary duty of safeguarding inmates. Both the COVID pandemic and civil unrest may have caused the management to become myopic in their focus of housing inmates. That focus needs to be redirected now that COVID cases are being reduced and the civil unrest seems to have subsided.

Durham also mentioned that during the COVID pandemic some of the staff were not compliant with the COVID restrictions, specifically with regard to the mask requirement.

## **2. CURRENT LEADERSHIP**

### **Jerry Collins – Director**

Collins is a U.S. Army veteran. He has worked for LMDC in a variety of leadership roles before retiring in October of 2021. He then moved to the Clark County Jail in Clarksville, Indiana, where he was the director. He first joined LMDC as a corrections officer in 2000. He was a corrections major overseeing operations in training when he left.

One of his top priorities is to emphasize the importance of "Corrections 101" whereby basic security measures are the emphasis of corrections officers. He plans to enforce this mandate by establishing accountability. He wants to emphasize that corrections officers need ownership of the floor they work on. He wants to set expectations for the corrections officers and their supervisors.

He noted that there has been complacency by some. The nightshift in particular lends itself to complacency. He wants to create a culture where the focus is on getting back to basics. It's his observation that over the past two years most of basic corrections practices were not

followed because of COVID. Some of these basic requirements are going into cells to do checks and observations.

Under his leadership, he is going to require that sergeants do two rounds on their floor during each shift and audit video of corrections officers to ensure that they are doing their jobs. He's also implementing the requirement that lieutenants do a walkaround on their floors at least once per shift and that they review the observation sheets. Captains will be required to ensure these requirements are being followed.

Long term he is hoping to implement an electronic monitoring system in the facility. They are currently in the request for proposals stage. He hopes that the system in place will include electronic video devices which will include charging for phone calls. This system will also feature a fob that each officer will have to note the time and place of their observation checks thereby removing the current hard paper observation sheets that are prone to misinformation.

Collins worked with former Director Clark whom he described as a mentor of his. He stated that Clark was a "great number two." His loyalty to his staff set him up for failure. Regarding Clark's staff, he noted that his chief of staff had no operational experience. His chief of staff, Troutman, was responsible for the budget. His assistant director, Steve Durham, was a lawyer and had no operational experience either. His deputy director, Martin Baker, was a yes man.

There seemed to be no implementation of good ideas under Troutman and Baker. Collins noted that he had more authority under Bolton as a lieutenant and captain than he did as a major under Clark.

Under Clark, oftentimes ideas that were brought forth would result in Clark saying, "Let's think about it. Let's have a meeting about it." The result of this was no action. At other times, Clark's response to an idea was, "Steve, look at this and see if it's legal." It seemed that Chief of Staff Troutman wanted Clark's job.

Durham, the assistant director, seemed to overanalyze things. Once he finally reviewed a matter, it would oftentimes be referred over to the County Attorney's Office. Durham never wanted to "put his neck on the line." Durham wrote the media statements for Clark. Durham was often negative about corrections officers. He had no idea how corrosive this was with the troops.

Deputy Director Baker was “very confrontational” and had the attitude that it’s “my way or the highway.” If someone pushed back on a suggestion or idea put forth by Baker, that person would then be put into a “no relationship” with Baker. Baker did not encourage ideas about procedures being brought forth.

Collins currently has a good relationship with the FOP President Daniel Johnson. They have a standing Wednesday lunch meeting. Collins believes that the current relationship between the FOP and management is the best that it has ever been.

One of the fatal flaws that he saw under Clark’s leadership was a single-mindedness whereby they would not back off a decision despite it not being meritorious. An example he provided was that under Clark’s leadership he and his executive staff wanted every inmate to wear a mask during COVID. Collins told them that it was a bad idea and the response he got was, “No, we are going to do it.”

Baker and Clark were good friends. Clark was shy by nature and not an aggressive leader. He was not a good front person for LMDC. He put Durham in charge of media relations which did not encourage a positive outlook on Corrections or corrections officers.

Former Maj. William Ashby was good operationally but abrupt with his decisions. His personal life also created problems. He had an open relationship and a relationship with a fellow officer’s wife. This officer was [REDACTED]. He noted that [REDACTED] can be a problematic person to supervise.

In terms of getting some of his new policies implemented, one of his biggest hurdles is the Metro Government OMB through which all major purchases have to be processed. They seem to handle all procurement matters at the same pace. Collins believes that public safety is and should be the number one priority for moving things through OMB. In the short term that he has been director, he has made the SORT commander a fulltime position. Collins served for 15 years as a SORT officer. Collins has also caused the entire jail to be painted.

He has heard that the medical staff is often not contacted immediately when critical incidents happen in the jail. He plans to correct this.

After a major incident in the jail such as a drug overdose, he is mandating that the Intel Unit track back how the “dope got into the dorm.” Thereafter, anyone responsible for bringing it in will face criminal charges.

Collins felt that the commissary was an avenue by which drugs could be introduced into the facility. He asked for changes for years, but Clark and Baker would say, "Let's wait," and they did not address the problem. In the past, information developed by the Intel Unit was not shared with the staff. He's trying to make that a requirement now. He's encouraging communications back to the staff.

Staffing continues to be a problem for LMDC. As director, he is sometimes constrained from putting the best people in a position because of the FOP contract. He has implemented new programs for increasing staffing such as bringing retirees back to transport inmates to appointments outside of the jail. He has also established a program encouraging lateral transfers to LMDC. Those lateral transfers would be paid for their years of experience in corrections at a level consistent with what LMDC officers of that same experience level receive. This program is capped at the salary of a ten-year officer at LMDC.

They've also established a signing bonus of \$8000, \$4000 of which is provided after the person concludes training and \$4000 at the end of the probationary period. They also will pay a \$3000 relocation bonus to lateral transfers.

Most positions in Corrections are filled through a bidding procedure established by the contract with the FOP. The exceptions to this bidding process are for training, the Public Standards Unit and recruiting.

The former Community Corrections Center was beneficial in that it took inmates out of the main jail. This reduced the population in the main jail. It also gave inmates the opportunity to participate in work release programs. One of Collins' visions is to reopen the Community Corrections Center and make it a detox center, mental health facility as well as establish a reentry program and recovery program. He has considered putting HIP in charge of the Work Release Program if it is reestablished.

Collins stated that they desperately need a new facility. The current facility was not built to be a corrections facility.

To improve security at the facility, they have added a body scanner at the transition point where inmates return from court appearances. Collins does not require body scans of LMDC staffing because of radiation issues. He also noted that contractors are currently not scanned.

Regarding the medical staffing, he believes they need to have designated detox nurses and an increase of mental health staffing. Staffing by the medical provider is difficult because of

pay increases outside the Corrections environment principally precipitated by pay increases during COVID.

Collins believes that 75 percent of the overdoses could be reduced by “going back to Corrections 101.” He has also ordered the fencing of the loading dock area which includes a dumpster to which work aides transport trash. This has been a weak point in that work aides were able to retrieve drugs that were positioned by outsiders near the dumpster. Collins has advocated this for years. He also is stressing a one point of entry into the facility. The lack of strip-searching inmates over the years has accounted for some of the contraband getting into the facility. Persons who are arrested for violating HIP have been able to bring drugs in without proper screening before entry into the facility.

Under the current contract with the FOP, officers who are moved from their “bided position” because of staffing needs are paid a day of vacation plus time and a half. Under the current FOP contract, anyone who is forced to work 16 hours, or more is paid double time. LMDC has paid over \$5 million in overtime.

Collins believes that he or his supervisor should have the ability to place personnel where staffing is needed. Everyone is trained as a corrections officer and should be able to work in any position throughout the jail.

He believes that the maintenance positions shouldn’t be a bid but should be based upon a person’s skillset. The current system results in more use of outside contractors.

One of the primary reasons for this interview was to discuss the findings of a report from GAR which was issued at the request of Mayor Fischer. Collins referred to this as a “scathing report.” He noted that the persons conducting the review of Corrections and issuing this report had never interviewed him. He reviewed many of the statements in the report and noted that he has already started addressing many of the issues alleged in the report.

Under his leadership, he has emphasized the supervisors’ requirement to focus on doing their job.

Although the report indicates that morale was poor, he has seen improved morale under his leadership. Collins has invested in his employees.

Collins noted that during COVID it was difficult to do the Corrections job. This was compounded by the civil disturbances that occurred outside the door of LMDC. During this period, the focus of internal operations was lost. This resulted in two years of officers not doing

basic corrections work. Corrections officers were not going into the cells for fear of contracting COVID. Under the prior administration, there was a meeting in the morning at 10 a.m. and then followed by another meeting concerning COVID at 2 p.m. which lasted many times two hours. Again, this took the focus away from basic security protocols. The combination of the two meetings resulted in “COVID meetings” from 9 a.m. to 4 p.m.

It seemed that the operation of the jail was being run by the Metro Health Department. Despite the concerns with COVID, there remained the basic requirement to operate the jail. Corrections officers and supervisors were told to focus on COVID.

During this time, multiple staff members contracted COVID and were off two weeks which reduced the staffing at the jail. Management also faced resistance from staffing to be vaccinated. This was driven by politics and the media. Consequently, corrections officers lost vision on the mission of the jail.

Collins and Ashby told Clark, “You have lost the troops.” Clark allowed Durham to be the front man for LMDC and handle press releases and media appearances.

Under Clark’s leadership, Clark and his staff wore suits to work and would always leave at or before 5 p.m. It is Collins’ philosophy that he and his staff should wear uniforms and not try to position themselves as better than the corrections officers in the facility. Collins and his staff put in the hours necessary to properly run LMDC. Former Director Clark seemed to come in to work between 10 a.m. and 11 a.m. and then leave at 4 to 4:30 p.m.

Collins also reiterated that there needs to be systemic changes in LMDC. One of the changes is that there needs to be additional mental health experts to help with the mental health inmates. He also stressed that the jail facility was not built to effectively house inmates and allow for proper security.

Collins noted that sexual harassment is somewhat of the culture at LMDC. He intends to change this by adopting a new sexual harassment policy and providing training on it. In addition, he intends to hold all supervisors accountable for enforcing the policy and holding others accountable.

Other issues mentioned in the GAR report were discussed with Collins. He noted that the American Correctional Association certification mentioned in the GAR report focuses on administrative matters rather than operational matters which are of paramount importance to the jail. He also noted that they are soliciting bids on an electronic monitoring system within the

jail. He also stressed that the current jail facility does not permit direct supervision. A modular or podular design would allow for direct supervision.

During COVID, staff did not go into jail cells and conduct walk and talks which are important to jail security. It is his opinion that almost every instance of contraband getting into the jail facility is via inmates. Sometimes, inmates who are arrested for HIP violations were able to acquire drugs while out in the community and were not properly searched when they came back to the jail. Collins has implemented a requirement that those inmates be strip searched.

The commissary operation has been removed to an off-site facility in St. Louis. Collins had been “begging for this” to both Bolton and Clark.

He is also going to encourage people to go to the National Jail Leadership Conferences. Basic security protocol was not stressed under former Director Clark. Collins contrasted that with operations under former Director Bolton who was “very intentional in what he did.”

LMDC currently does not have an inside legal counsel. Under Clark, Assistant Director Steve Durham was the inside legal counsel, but his role seemed to change over time to be more focused on being the public information officer. In conclusion, Collins did not fully agree with many of the items in the GAR report and has taken steps to address many of the issues mentioned in the GAR report.

Collins has implemented many changes in the 11 months that he has been head of LMDC. He will provide a list of initiatives that have been completed or are in the process of being completed.

One recent complaint that he has received from local law enforcement agencies is the time that it takes to process arrested persons through the booking process. Some police officers have stated they had to wait hours at the jail to get their prisoners processed and into the custody of LMDC officers. Director Collins stated that part of the reason for this is that when they find drugs in a dorm, they remove everyone from that dorm and take them down to the booking area and have them go through the body scanner machine. When this occurs, they must shut down the sally port which can cause delays and backups.

He further stated that he will not employ shortcuts simply for the sake of time. He wants to ensure the officers in the booking area adhere to the mandates of how to process people into the facility. They have located a significant amount of contraband on inmates being brought to the jail facility by police agencies. Collins is going to provide a list of some of the items found

over the past year. This large amount of contraband that is missed by arresting officers is further support of the need to have a stringent process for intake of new inmates.

Currently, 60 percent of arrested persons coming into the jail facility are strip searched.

One of the ways that drugs are getting into the jail system is from inmates who go to court and then bring drugs back into the facility. The process that is utilized is a family member will give the arrested person a hug during which they pass drugs to the inmate. Occasionally, a family member will give an attorney an envelope and ask them to give it to their “loved one” which is then passed on by the attorney who thinks he’s doing a good deed for the family.

Collins would like to add a research analyst to LMDC staff. He has submitted a request through Metro Government for such a position. He’s also in the process of requesting bids for a new telephone service for the inmates which would enable them to monitor communications by the inmates but also provide an avenue for inmates to communicate with their family members and to acquire noncontraband information through the internet.

Collins mentioned that Dr. Leyderman of his executive staff had helped coordinate a group of officials from Louisville to go visit the Nashville Jail and its Behavioral Care Center.

### **David Heacock – Deputy Director**

Heacock has an associate degree in criminal justice. He served four years in the Marines on active duty. Upon leaving military service, he was hired by the U.S. Census Bureau the same year (2000).

He was hired by LMDC in 2002. When he first started working at LMDC, he worked the nightshift as a security officer. He wanted to become a member of the SORT team as he had special ops training while in the Marines. He ultimately became the team leader of the SORT team. He also served as an adjunct instructor at the Training Academy. He said that he enjoyed teaching and wanted to be transferred out to the academy. Instead, he was promoted to sergeant. He worked 15 years (2007 through 2022) in the Professional Standards Unit. He loved investigating. He also went to a lot of training while in PSU. Heacock found that the PSU exposed him to all areas of the jail and gave him an insight into common mistakes made by employees.

From 2014 to 2018, he served as the court liaison officer. During those four years, he would testify in court for other officers who were unable to appear in court. In this capacity, he

worked with both prosecutors and defense attorneys. In 2018, he served as the sergeant over Intelligence. He was the only person working in this unit. The Intelligence Unit was designed to work on drug interdiction matters where inmates were trying to bring contraband into the jail. Many of the cases were initiated because of mail that was being sent into the mailroom. In this capacity as intelligence officer, he would also monitor phone calls to determine who might be bringing contraband into the facility. He also received incident reports and emails with pictures and video of serious assaults in the facility.

A former intelligence officer retired from Corrections in October of 2021 and that position was vacant until April of 2022. He stated that the prior administration did not appreciate the value of the Intelligence Unit. As soon as Director Collins came in, he placed another sergeant in the Intelligence Unit. This unit is very important to help control contraband coming into the facility and providing intelligence on fugitives and matters involving Home Incarceration Program escapees.

The number one priority when he and Director Collins began working together in April of 2022 was to stop drugs coming into the jail. They moved forward with obtaining a K-9 and K-9 officers. The prior administration was reluctant to move forward with this important concept.

He noted that assaults are a problem in the jail. Many of the inmates are “quick to shoot on the street and quick to fight in the jail.” He hopes that the increase in personnel in the Intelligence Unit will help develop information about potential “beefs” among inmates. The Intelligence Unit will also help increase information about any gang activity within the jail.

They hope to move to a new inmate records system. It would be part of a larger software development program being produced by Metro Louisville.

They want to be able to track the use of force and create an early warning system for persons who appear to resort to use of force. The new software program they are hoping will help track recidivism and reentry into the facility along with data of suicide or attempted suicides by inmates returning to the jail facility.

They are also hoping to develop better tracking for suicides. There are limitations with the current software systems they use to be able to do that. Long term they hope they can have better software that will have better analytics to track matters at the jail and track recidivism.

Heacock was requested to provide records on the assaults year by year along with the suicide attempts.

Heacock stated that they currently do not have a system to track drug overdoses and in order to develop an approximation of overdoses it would require reviewing all medical incidents records. They have begun tracking whenever Narcan is deployed in the facility.

As chief of staff, his primary role is to oversee and manage the senior staff and the projects they are assigned. He and Director Collins have been developing cohesive plans moving forward. Director Collins has a vision of what needs to be done and he wants to ensure those initiatives are being implemented.

Heacock mentioned that the FOP agreement requires seniority to be the sole criteria for transferring somebody to a different assignment except for those listed in the contract.

He sees the need for some improvements at the Training Academy and hopes that one of the future goals will be new innovations to help with the Training Department. One of his suggestions would be to have training officers work six months at the academy and then six months at the jail. The current process where instructors are assigned to training and remain there for numerous years minimizes their ability to understand and see current problems or issues in the jail that could be corrected by proper training.

He believes that the Training Academy may need more instructors. He also stated that they will explore bringing in adjunct instructors especially for professional development. He also wants to explore cross training with LMPD.

Some of the courses that might be appropriate for this would be criminal investigations, interviews and interrogation, search warrants and other courses that might be applicable to the Corrections facility employees.

Before he and Director Collins and the other current executive staff were hired, there was a tremendous amount of bad publicity about the Corrections, and many negative stories. They are now attempting to put out positive stories about the jail and its employees.

He stated his top three priorities are recruiting/retention, suicide prevention/mental health, and drug interdiction.

He reinforced his and the executive staff's philosophy is that they will try anything to see if it will work and mentioned the motto, "Best idea wins." He stated that they believe that no

one should be considered the smartest in a room and that they should consider suggestions from others within the Corrections facility.

On a recent State inspection, there was criticism about the housing of mental health patients. As an example of people bringing forth ideas that are adopted, an officer in the mental health area suggested that they expand one of the dayrooms and turn it into a cell for mental health patients.

The current medical health company, Wellpath, seems to be doing okay. They too have staffing issues. Their employees also need pay raises.

Heacock stated that Director Collins is the most involved director that he's seen. Collins has so much experience in operations, yet he is very humble, a great leader and very knowledgeable. One of the new developments under Collins was the development of a "program floor" whereby inmates are segregated into this area based upon certain criteria. For instance, they have a dorm for veterans. They also have a dorm for drug prevention and education.

He stated that the jail facility houses many mental health and inmates addicted to drugs. He and Director Collins believe that there needs to be a better development of a diversion program along with providing mental health resources outside of the jail for inmates with mental health issues. Currently, the jail is not equipped to deal with serious mental health issues and drug issues. The facility is simply not adequate for this, nor do they have the personnel resources to adequately staff for these issues.

Heacock stated that they are in dire need of a new jail facility. Not only would a new facility be helpful for the inmates, but it would also help with the corrections officers and their mental health. A new jail could provide windows and daylight for both inmates and the staff and potentially have a green space for inmates to go outside.

Heacock stated it is naïve to believe that a new jail facility is not needed. He said in a utopian world perhaps that would be true but currently there is a need for a new jail facility with the realities of the world. He stated that more alternatives to jail need to be developed. There currently are insufficient resources and unfortunately many of the mental health persons arrested end up in a jail cell which is not conducive to their mental health.

Recruiting and retention are very important priorities. One of the major changes that has been a deterrent to hiring people is the modification of the retirement system which used to allow law enforcement officers to retire after 20 years of service. He noted that corrections work is a

very challenging and stressful career. Many people are willing to tough it through the job if they can retire after 20 years. He said that oftentimes under the old system he would hear officers say, "I can make it 20 or 25 years." This retirement system also encouraged people to stay with the Corrections because they would be able to get a full retirement if they stayed a full 20 years. Now those with 10 to 15 years of service don't have as great of incentive to stay on in a very challenging career. He said being a corrections officer is a very tough job.

Under the prior administration, employees didn't have a voice. Director Collins and his executive staff want to encourage employee participation and give them a voice. They want to encourage camaraderie within the facility. He noted that they have "a lot of great people" of whom he is very proud.

Heacock noted that the collective bargaining agreement with the FOP limits the executive management's ability to move persons where needed. If a person who has the most seniority bids for a job and is not selected, that person can file a grievance. Also, if a person who is working at a bidded position location is moved to another area that is not their bidded position, they can file a grievance and receive additional money and vacation hours.

He noted that there are certain jobs within the facility that could be performed by nonsworn personnel but many of those positions allow corrections officers to take a break from the security role on the floors which is a very difficult job. Being able to move to a less stressful assignment within the facility is oftentimes helpful to employees' mental health.

Heacock noted that the Lexington Fayette County corrections facility is designed with pods and each pod has a gym outside with natural light. He stated that with a better atmosphere in the jail you get better behavior from the inmates. Another program that he mentioned was being implemented was a GED and church room. He stated that other jail facilities throughout the state and the country include separate living areas, recreational and program rooms, and permit inmates to play basketball everyday which helps burn energy pent up in them, thereby, reducing misbehavior in the jail. He did not believe that the current facility has adequate gym space. The gym is a privilege and can be used as a punishment for dorms that misbehave. The inmates usually respond to a corrections officer who threatens them with removal of gym privileges.

### **Larry Bisson – Major Logistics**

Bisson received a GED degree. In 1988, he joined the Army National Guard at Fort Knox for four years. In 1996, he went back in as a military police officer. He was deployed to both Bosnia and Iraq (2003 to 2004). He retired from the military in 2006. He was initially hired by LMDC in 1996. He retired in 2016 as a sergeant. In 2020, he returned to LMDC as a video records specialist. In this capacity, he reviewed all incident reports and video of incidents and pulled pertinent parts for the report. This information was then sent to senior staff. This position was a nonsworn position. He held this position from November 2020 through November 2021.

In November 2021, he moved to the Clark County, Indiana, corrections facility and was made captain of Operations. He worked there until March of 2022. The reason he left Clark County is that current LMDC Director Collins wanted him to go back to LMDC with him and become part of his executive team.

Bisson worked under a number of directors. He described former Director Bolton as a narcissist. He did not believe that he was a good people person and didn't get along with people very well. He recalled an incident Derby week in past years. He went to Churchill Downs to work a special detail with the Emergency Services Unit. Following his shift at Churchill Downs, he came back to work and worked a special detail on Broadway. He later learned that for some reason Bolton had thought Bisson was trying to get him pulled over for driving while intoxicated. The next day Bolton said that "I don't need Bisson up here." Thereafter, Bisson stayed off the executive management floor unless requested by Bolton.

Bisson stated that Bolton was the only reason he left LMDC. From 2016 to 2020, Bisson had a variety of jobs including opening an auction house, working at UPS for security and later the Census Bureau as a guard. In 2020, he saw an opening for a video specialist at LMDC, applied and thought to himself he was going "home." He stated that he's been through eight directors while working at LMDC. Bisson stated that the current management team and himself are going to embrace the officers and work with the FOP unlike former Director Clark. During Clark's latter years at LMDC, both he and the FOP would do things to spite each other. Under Director Collins, they have adopted a philosophy, "Best idea wins," which means that they want anyone within LMDC who believes they have a good idea to bring that forward.

Director Collins took over as director on April 4, 2022. Bisson and Maj. Heacock came on duty on April 11, 2020. Heacock was a major at the Clark County Jail.

Bisson recalled Collins telling him that when he met with Mayor Fischer about taking the job as director, Collins told the mayor he'd take the job if Larry Bisson and now Col. Heacock came with him.

Bisson is a major over Logistics and is responsible for anything to do with capital projects for the facility. He stated that the first week on the job Matt Golden and he discussed necessary funding for the facility. They thought they needed \$2 million and were able to obtain \$3.7 million.

Since returning to LMDC, there have been numerous projects that Bisson is overseeing to include cameras for all the cells and improvements of the monitors in the officer stations. At the time of the interview, Bisson predicted that they were about six months away from getting everything approved and purchased for the additional cameras in the jail.

Bisson said that they really need to build a new jail. The current jail has a very bad line of sight. Under the current system, inmates can watch corrections officers move through the corridors and detect patterns and know when a corridor is clear for them to do things such as pass drugs to other inmates or other unauthorized activities.

One of the weak points that they determined early on was the dumpster at the side of the building that is accessible by the public. They are planning to put a fence and gate around the dumpster. They are also going to install mirrors at the intersections and corners throughout the jail.

They also began creating suicide cells whereby they installed "suicide beds," moved tables out and replaced toilets and sinks with suicide-preventive designs. They also began to address the metal grates over the smoke detectors which can be used at times for hanging things. Some of the other projects that he is working on are as follows: digital mail phone bid whereby outside source would digitize the incoming mail and send it to the inmates by a kiosk or tablets. This system worked well at Clark County with no cost to the jail facility. A project is in process to deal with legal mail. They are also working on IFRID system for the jail whereby officers have devices to verify they were at various locations in the jail and at a certain time.

Bisson said that they are contemplating or looking at the possibility of reopening the Community Corrections Center for use as a mental health facility. The commissary has been

moved off-site but company employees still deliver the items escorted. They are not scanned coming into the facility. The use of K-9s at the front and on the floors is being increased. Collins ordered that all food slots be locked which had provided access to inmates to pass drugs through the food slot. They are working to improve the conditions of the control rooms. They have also installed Narcan boxes throughout the jail facility along with an alarm system that is activated when the Narcan is removed.

Bisson stated that there is “awesome and outstanding” rapport among Heacock, Bisson and Collins.

Another program implemented by Collins and his executive team was to create a transport team to transport inmates to clinics or doctors’ appointments. This transport team will consist of retired corrections officers. Initially, they had ten spots available on this team and received 25 applications. They also are working to hire laterals from other corrections facilities as floor security officers. Prior to having the transport team, corrections officers were pulled off floors to transport inmates to clinics or other necessary appointments outside the jail facility.

Bisson stated that many of these things should have been done a long time ago. Under former Director Bolton, \$2.5 million was set aside but he gave it back. He prided himself on not spending all the money budgeted to Corrections. Bisson thought this was a mistake when the jail and employees needed so much. In 2010, Bisson prepared a plan for a new jail facility and took it in to Director Bolton. Bolton told him, “Get out of the office.” Bisson provided a list of projects that he has overseen.

### **Steve Gilbert – Major, Security Operations**

Gilbert graduated from Kentucky State University with a Bachelor Degree in Criminal Justice. He was employed at LMDC in October of 2005. He has held a variety of positions and ranks within the organization.

Gilbert attended a variety of training courses throughout his career. One of those courses was an Executive Excellence Program. After attending that course, he was expected to bring back what was learned from that outside training and provided to the officers at LMDC. Gilbert and former Maj. Ashby taught all supervisors and other corrections officers a three-day course he and Ashby put together concerning leadership training.

As a sergeant at LMDC, Gilbert was assigned as a security officer on a floor and later to the booking floor. He stated that he did not want to leave that assignment, but he was promoted to lieutenant.

In his current capacity, Gilbert will walk around the entire jail with one of the captains to discuss things that need to be done to make the jail facility better. He frequently interacts with the captains and lieutenants. On one of his visits to the inside of the jail on October 12, 2022, at approximately 5:30 a.m., Gilbert observed a sliding cell door not fully shut. The door sensors showed the door locked but it was not. This was on Floor H5. Gilbert had observed this on a prior visit to the jail facility. He stated that this is an example of officers needing to get back to “Corrections 101” and to “stop hitting the easy button.”

He noted that when he was a captain then Director Bolton always stressed “Corrections 101.” After Bolton left, former Chief of Staff Eric Troutman was the interim director for approximately two months before Director Clark came in. Not long after Clark was made the director, COVID hit. This caused much of “Corrections 101” to cease. To stop the spread of COVID, corrections officers were told not to go into the dorms or interact with inmates. They were told to social distance themselves. Prior to COVID, the officers would not go into a cell without a partner. He stated that being visible, present, and searching inmates was reduced. He believes that corrections officers must do “intentional observation” which means going into the dorms, touching people to make sure they are okay and interacting with the inmates.

During the two years of COVID, many new officers were hired, and the norm became “Stay away from inmates.” He stated that 70 percent of the current staff have less than five years’ tenure with a large portion only having two to three years of experience. Again, these new officers were brought in during the time that social distancing from inmates and “Corrections 101” was not the norm. He believes that reemphasis on “Corrections 101” protocol is so important.

His experience with former Director Bolton was that Bolton was a very intense guy who made sure you were doing what you were supposed to do. Although Gilbert liked Bolton, he recalled an instance when Bolton called him “an ass” in front of his peers. This arose when there was an issue about dealing with inmate deaths and observation logs.

Gilbert found Clark to be a mentor for him. He said it hurt him to see what was being done to Clark towards the end of his tenure.

He said that Clark was “scared to death of COVID.” He said that when Clark retired the first time he went out in high esteem. Gilbert said he “shouldn’t have come back.” When he left, he said he was retiring to be with his wife who passed away when he was director. He told Gilbert that he came back because, “Corrections was all he had left.” It was Gilbert’s understanding that Mayor Fischer asked Clark to come back so that the mayor would not have to do a national search. Clark said that he came back because the mayor wanted him to and that he was loyal to the mayor. Gilbert also acknowledged that Clark partially wanted the title of director.

Mayor Fischer was very loyal to Clark despite all the deaths. Mayor Fischer was supportive of Clark. Gilbert believed that the mayor did not want to remove Clark as director and had a “This is my guy” mentality.

During COVID, Gilbert “hated to go home, because of what was happening” at the jail. Gilbert said he couldn’t fall asleep and was afraid that he would miss an important call during COVID and the public disturbances that were happening at or about the same time.

Also, the jail management was overwhelmed by dealing with COVID and focused its concentration on COVID to the exclusion of everything else including security. Gilbert noted that, “We’re a jail and we still need to function as a jail.” It was his opinion that COVID was an inherent risk just like the other risks that police officers or corrections officers undertake which might result in one’s death. The management simply “needed to deal with it.”

During COVID, the policy was, “Stay away from inmates.” For many of the corrections officers they had the feeling that, “If it is scaring our supervisors, then maybe we should be worried too.” As time progressed, the corrections officers started to buy into the COVID restrictions that were put in place.

In addition to COVID, they were having to deal with social unrest and disturbances in front of the jail. He saw the social unrest as just one more risk or danger of the job as corrections officer. During the disturbances, Corrections employees needed to be bused in from the Fairgrounds.

Gilbert recounted that on the second night of the disturbances he was surrounded by a crowd of people when he parked his car near the main jail. Gilbert began to see the protesters as a greater concern to the safety and welfare of himself and corrections officers than the inmates in the jail. Gilbert stated that some employees were asking, “If this COVID is so bad, why are the

protesters okay not complying with the COVID restrictions.” Gilbert noted that they knew COVID was there and that they might get sick but, “I was more afraid of the protesters.” There was a greater fear of the hundred-plus people threatening to kill them than the likelihood of catching COVID. The protesters were a greater concern to him and many of the corrections officers.

Director Clark and others who were not there at night and didn’t see the violent protests didn’t fully understand their concerns.

Gilbert stated that when his car was surrounded by a mob, he was extremely worried about his safety and thought that he might be seriously injured or killed. Gilbert said that there was one person banging on his car getting louder and louder as he was parked on Cedar Street next to the jail. Gilbert said he sat there for “what seemed like forever.” He said there were at least ten people surrounding his car and he feared for his life. Fortunately, one of the protesters who was wearing all black interceded and the crowd moved away from his vehicle.

Corrections employees who were being bused from the Fairgrounds felt they were a target of the protesters. They were transported in white vans to Corrections. They found it very worrisome as they pulled up and saw the mob stationed across from the main entrance to the jail. That mob soon took over the area in front of the entry area into the jail. The employees felt like they were, “bused into a war zone.” The jail was in the middle of this warzone. They lost a lot of officers because of the protesters presenting a huge safety risk to the officers. The employees felt abandoned by management.

Gilbert recalled at one captains’ meeting that, “I went off on Clark and the executive staff,” saying that the officers needed guidance. Yet, there was no assurance provided to the employees that everything was going to be okay. Gilbert went on to say that the employees never heard from Clark, Baker, or Troutman. Gilbert said to them, “We don’t hear from you.” He went on to tell them, “You guys are letting us down.” Troutman responded, “We’ve never been through anything like this before.”

Gilbert said he felt bad after lashing out at Clark and the executive staff because, “Mr. Clark was my mentor.”

Nevertheless, during this difficult period, there was “no leadership or guidance.” It was more of a sink or swim feeling and that the employees were on their own.

For 16 weeks, Gilbert did not see his family. He was concerned for his son's health and did not want to bring COVID home and contaminate his son.

Another failure of Clark was that he did not inform employees what they were asking the City for and the response that they were getting from the City. Gilbert said employees didn't know if the management was letting them down because the management did not tell them what they were doing or set forth a plan to deal with what was transpiring outside the jail facility. Gilbert contrasted that with the current administration which keeps employees informed and provides good leadership.

Gilbert also observed that the City did not do enough to protect the jail facility and the employees entering it. The police department seemed to have its hands tied. There was virtually nothing done to protect the Corrections building and its employees from the mob. The police department stopped protesters at 6<sup>th</sup> and Liberty and then the protesters moved to Cedar Street which is the street next to the jail facility. Gilbert asked the police department if they would move the protesters down one street, but they wouldn't.

Gilbert then told one of his captains, Capt. Montgomery, "Let's go out and engage the mob." They were going to push the mob back away from the Corrections Department. One of the officers got hit with a bottle. Clark got mad at them and their efforts to protect the building. Clark remained angry at Gilbert for engaging the mob. At one point, Clark brushed off the threat of the mob by saying, "That's their personal vehicles and they have insurance."

He recalled that early in the protests at around 10 p.m. the police were met by a group of protesters at 7<sup>th</sup> and Cedar and caught the police off guard.

Gilbert also stated that during the daytime the large group of people were "protesters." At nighttime, they were rioters. Once the sun set, "it got bad." Consequently, Gilbert would come into work at 3 p.m. but was not paid overtime.

During the latter portion of Clark's tenure, social unrest, COVID and the mounting inmate deaths were overwhelming Clark. Clark continued to receive bad advice from a "small circle" of executive managers. They took no advice from others. At one time during this turmoil, Baker and Clark hunkered down in their offices and stayed away from others.

Gilbert was promoted to major under Clark. This promotion gave him no additional authority. He was required to run everything through Deputy Director Baker. This included all

bids for projects. Gilbert felt like he was promoted to major to take the heat off Baker. Despite being promoted, he had to run everything by Baker such as bids to replace a kitchen worker.

Gilbert and others wanted to create a K-9 unit, but Clark and Baker did not want it. Both “would intentionally put brakes on it.” Clark would talk about his experience with the Illinois corrections system and said that K-9s were “useless and a waste of money, especially when we can get the PD to come in here.” Since Clark’s departure, a K-9 unit has been formed. Now if a K-9 is needed, within 20 minutes one of the Corrections’ K-9 dogs can be at the facility. Previously, when the police department’s K-9 Unit could not respond, Clark would get upset when the PD wouldn’t come quickly enough.

Under Director Collins, the new director knows how it is to be a major and empowers Gilbert to do his job. He said, “The fact that we retirees are coming back speaks volumes about Director Collins versus Director Clark.” He noted that he and the other retirees who returned to be with Collins stated, “I love Corrections, I just want to come back.” And he and the other retirees were excited that they would have an opportunity to change things at LMDC.

Gilbert stated that under Collins they have adopted new programs to bring back retirees to transport prisoners and to hire lateral employees from other Corrections entities. He believes this is a great accomplishment.

He stated that the work-life balance is so important to the employees and that the staff shortage is counterproductive to that. He noted that COVID and the social uprisings were tough times for the corrections officers’ families. He stated that it’s unknown how many families were destroyed because of the lack of leadership during these tumultuous times.

Currently, many employees have gotten used to the overtime which was mandated for the past couple of years. He always tells trainees that they should rely only on their base pay and not become dependent upon overtime pay. He noted that some people had made purchases such as automobiles based upon the money they were receiving from overtime.

Concerning overtime, Gilbert also noted that during the past two years they had lost the ability to communicate with each other, instead of asking people if they could work overtime, they were forcing people to work overtime.

In conclusion, Gilbert stated that the past few years were extremely bad but that now for the first time in 17 years they have leadership that is truly interested in the employees and helping them.

**Dr. Mariya Leyderman – Executive Chief Psychologist**

Leyderman’s educational background is as follows:

- 2019           **Doctor of Psychology (Psy.D.)**  
Clinical Psychology, Forensic Specialization, APA-Accredited Program  
Spalding University, Louisville, KY
- 2013           **Master of Arts (M.A.)**  
Stress, Crisis, Trauma Specialization  
Tel Aviv University, Tel Aviv, Israel
- 2011           **Bachelor of Arts (B.A.)**  
Psychology  
University of Minnesota, Minneapolis, MN

Her employment history is as follows:

- April 2022-   **Louisville Metro Department of Corrections, Louisville, KY**  
Current Executive Chief Psychologist
- Oct. 2019-   **Shelton Forensic Solutions- Louisville, KY**  
Current Licensed Psychologist, Forensic Psychology & Mediation  
Division
- April 2020-   **Kentucky Correctional Institute for Women (KCIW) - Pewee Valley,  
KY**
- Nov. 2021    Program Administrator for WILLOW (Dual-Diagnosis Treatment  
Program), Licensed Psychologist
- 2018-2019   **Federal Bureau of Prisons - Federal Correctional Complex (FCC),  
Butner, NC**  
Pre-Doctoral Psychology Intern (*Specialization: Forensic Evaluation &  
Drug Treatment*)
- 2017-2018   **Kentucky Correctional Institute for Women (KCIW), Pewee Valley,  
KY**  
Practicum Clinician
- 2015-2017   **Roederer Correctional Complex (RCC), Louisville, KY**  
Practicum Clinician
- 2015-2016   **Iroquois High School, Louisville, KY**

	Practicum Clinician
2015	<b>Central State Hospital, Louisville, KY</b>
	Practicum Clinician
2013-2014	<b>African Refugee Development Center, Tel Aviv, Israel</b>
	Asylum Application Assistance Intern
2011-2012	<b>Abbott Northwestern Hospital, Minneapolis, MN</b>
	Mental Health Counselor
2020	<b>Compensation and Pension Examination Certification</b>
2019-	<b>Synergy Project Louisville</b>
Current	Certified Project Facilitator
2017-	<b>Kentucky Law Enforcement Council (KLEC)</b>
	Current Certified Training Instructor
2016-	<b>Court Appointed Special Advocates (CASA) for Children of the River Region</b>
	Certified Court Appointed Advocate
2015-	<b>Restorative Justice Louisville</b>
	Current Certified Conference Facilitator

It was her candid opinion that the jail facility is a deplorable place to house mental health inmates and that the facility and what it has to offer to mental health patients is completely contrary to everything that is conducive to therapeutic benefits to mental health patients. She further stated that nothing in the jail facility is conducive to therapeutic assistance to persons with mental health issues. A proper mental health facility would have lighting conducive to assisting with a person's mental health issues, painted with a color that again is therapeutic in nature to assist mental health patients. The facility also does not have access to outside space. The lack of proper lighting, color of the facility and other accoutrements conducive to the mental health of persons incarcerated there are extremely counterproductive to assisting these persons.

Leyderman has provided training to both LMDC and LMPD. She stated that the current Training, Capt. Llaguno, is very passionate, super motivated and a hardworking individual. However, she noted that the standards for becoming part of the Training Department are lacking. There seems to be an assumption that someone with knowledge or having worked in the Corrections facility makes them a good instructor. She said there should be a system in place to

determine an individual's ability to teach and that the teaching style is conducive to learning. She said that they should create some type of an objective measure of a person's ability to teach which results in learning by the students. Assignments at the Training Department should be based only on qualifications regardless of a person's tenure at Corrections. She also believes that Training needs to develop a program for guiding instructors.

She stated that it's critical that the Training Department establish a professional and ethical culture on day one at the academy. The training instructors represent what recruits should aspire to be. The training provided should not be "what we are being forced to teach." Again, she does not believe there is sufficient attention to qualification-based assignments at the Training Academy. She stressed that the training instructors create the culture of the agency and need to exude professionalism and not convey to the students that what they are being taught is "training that is being forced" to be taught.

She also believes that all training does not have to be provided by corrections officers. Training regarding internal procedures is appropriate for corrections officers but there are many outside instructors with expertise that would be beneficial for the new recruits.

It seems to be that the instructors have a "pigeonholed view."

There should be an alternate perspective and an assessment of whether the training is preparing the recruits for the job ahead of them. If there are problems within the jail facility, a review of potential shortcomings in the training should be assessed and, if found, modifications should be incorporated into the training program. Many of the issues within the jail are indications that what is being trained is not working. She encouraged that the instructors as well as management need to step back and assess what's not working and why it's not working.

She noted the importance of looking at the root problems within the jail and eliminating the mindset to keep training the same concepts just because it has been on the syllabus for years.

Within the LMDC, there seems to be a general trend of finger pointing. To begin with, the facility itself has major problems and is deplorable. There is a frustration that nothing gets done.

She stated that until "we can change the facility" we need to work with what we have. She said that there comes a time when all involved need to look at evidence-based solutions to the problems within the facility and the mindset of housing drug abuse and mental health patients within the jail. She strongly believes that an alternate two-door system should be established.

By this, she meant that those truly needing to be incarcerated in a jail are put there while those with mental health issues go in a different door to receive psychological treatment.

Some years ago, within the judicial system in Jefferson County, a “mental health” court was founded to help assess a person’s mental health. It’s her opinion that this court is woefully underutilized and should be used more often. Under the current system, the prosecutor makes the recommendation of whether the case should go to the mental health court. However, prosecutors are not trained in mental health, have a large workload, and really cannot make a properly informed decision as to who has mental health issues.

The current booking system at the jail utilizes a traditional approach to assessing where an arrested person should be housed within the jail facility. She believes there is a shortcoming in reassessing where a person should be housed after they’ve been in the facility for a short period of time. She also thought that it was a bad practice to interview incoming inmates in public and asking them questions such as, “Have you been raped” or “sexually abused.” Asking these questions in public in front of other potentially violent persons is not conducive to honest responses. She mentioned the Nashville model which houses mentally ill persons in a special facility rather than the jail. She strongly believes that there needs to be an alternative to “just going to jail.”

It is her belief that there is value in stepping back to look at the purpose of a jail and asking does this person really need to be here. For example, does a person who has not paid child support need to be in a jail; or does someone with mental health issues who’s been arrested for trespassing belong in a jail. If a person is truly a danger or risk to society, then perhaps they need to be jailed. Under the current system in place, the jail is the “be all and end all solution to inappropriate behavior.” The jail is a dumping ground for societal issues.

The jail isn’t an appropriate place to deal with drug abuse and mental health issues. A jail has responsibilities to help persons incarcerated. That can only be done with a properly equipped facility with adequate staffing, which currently is not happening at LMDC.

Leyderman believes there is a robotic assessment of persons coming into the jail which again can be counterproductive to placing the incoming persons in the wrong setting. Oftentimes, corrections officers are viewed simply as guards when in fact they should be agents of change and prosocial behavior modification.

Technology should be improved within the jail facility until a new jail is built. There are technological devices available that allow more freedom within the jail limiting a person's movement to a particular wing of the building.

The Medical Unit should be in pods to be able to see the medical patients from the nurses' station. The current facility is structured so that there is not a direct supervision of the medical health inmates as well as other inmates throughout the facility. A direct supervision concept would reduce the staffing needs.

In terms of technology, she believes in more use of technology to have inmates appear for court appearances remotely by using audio/video systems. She stated that no one housed in the jail has any independent movement. It appears to her that the delivery of food within the jail is very inefficiently done and time consuming. So much of the jail is operated as a daycare for adults.

Leyderman believes there needs to be a reevaluation of the costs involved in arresting and rearresting persons with mental health issues rather than dealing with the core issue of many of these individuals with mental health issues who are placed in the jail, not given the treatment that they need and then become repeat offenders when released. There's an enormous cost of police time and distraction from crime matters they should be handling. Much of the community has a mindset of "out of sight, out of mind" concerning the inmates.

She believes that the job of a corrections officer has a significant emotional impact on the officers. One of the reasons she was hired was to help address mental health issues facing employees.

She has observed a reactionary approach for solutions to problems at the jail – a bandage-like fix. She asked, "How much money do you put in an old car or an old house?" The current facility is simply inadequate to do what it is expected to do. She said that an evidence-based review of the facility as well as the culture at LMDC is critical.

About the Training Department, she believes there should be greater role clarity of the staff – what are the expectations and duties? She believes much of what is being done at the Training Academy is somewhat antiquated and a repeat of what has been done over the years. Just because someone has the seniority or title of being an instructor at the academy, there must be clear guidance of what is expected of individuals at the Training Academy. In her opinion, much of the training is based on, "I used to do 'fill in the blank.'" Again, with regard to clarity

of the role, are the training instructors there to simply teach or should they be providing additional input on curriculum; and curriculum that is evidence based?

She believes there needs to be a shift in culture at LMDC with increased emphasis on accountability. It seems that there is a culture of, “You can do pretty much what you want.”

Another issue that needs to be addressed involves internal investigations. They take much too long to complete which leads to mistrust and a belief on the part of employees that there’s some sinister reason that it’s taking so long.

Associated with the accountability issue is the emphasis of the FOP protecting staff. This leads to a disincentive to do things right. The current system is designed to protect employees rather than holding them accountable and encouraging appropriate behavior. At the end, everyone’s role at LMDC is the safety and security of those housed there.

The disciplinary process needs to be reexamined. It appears to be an antiquated process. An objective assessment needs to be made as to why the processes that are in place continue to be utilized.

Many times, there are logical solutions within the jail that could be implemented but those logical solutions are not employed because of restrictions or perceived restrictions in the FOP contract. She noted that when someone is working in a “bidded position” no one else can be placed in that role and that bidded position employee cannot be moved to another area where there might be a greater need. She also noted that the bidding process takes time to follow which leaves positions open. Regarding the Training Department, she believes that they should be involved in policy development and curriculum writing. Overall, she posited, “Who is guiding our practices and procedures?” She believes an assessment should be conducted to determine what truly is dictating the functions here at LMDC – procedures, policies or this is how we’ve always done it mentality.

She believes there are positions within Corrections that could be handled by civilian support employees. For example, she noted there is a full-time position for a corrections officer who orders uniforms for corrections officers. She believes there should be a reexamination of whether a support person could be used in this role. She believes there may be other opportunities within the jail facility for support people to be hired, thereby, freeing corrections officers to do what they have been trained to do.

One position that she believes would be critically important to the facility is a research analyst. This person could do extensive research on best practices and make recommendations based on data, metrics, and trends in the corrections industry.

This analyst could track the use of force within LMDC and determine why force was needed as opposed to some other method. Once again, it appears that much of what is done within the facility is more reactionary than evidence based. There are also very few management reporting tools to assist and inform the management as to trends within the facility.

She noted that LMDC is a very big organization but there's virtually no human resources department because the head of HR wears so many hats. There is a huge lack of role clarity for this position. The HR director is now involved in recruiting to include assisting with the physical agility test given to potential recruits. There is no specialized department for recruiting as it is principally handled by the HR executive. She sees an overall lack of clarity on the true roles within LMDC to include the support personnel.

Currently, if one person leaves and LMDC was dependent upon that person, it creates a huge void. Recruiting is a huge issue for LMDC. Persons involved in recruiting should have appropriate training and experience in recruiting. Simply thrusting recruiting upon someone who doesn't have the expertise or experience diminishes the benefit of that person being involved in recruiting. Many of the decisions in recruiting are not data based informed. There needs to be more consulting with experts to help guide decisions within the jail.

Sexual harassment is an issue at LMDC. Once again, when that topic surfaced recently, there was a reactionary approach to develop a new sexual harassment policy and a sense of urgency to get that policy out. However, what experts in the field of sexual harassment were consulted during the development of this policy? The organization also lacks tracking ability and metrics on sexual harassment. There should be a mechanism in place for management to review data on the number of sexual harassment cases pending and in the past and see whether there is an evidence-based way to correct the sexual harassment issue. Once again, much of the reaction to this issue like many issues within the jail has been reactionary. She asked whether management has been able to discern whether the new policy has addressed the issue. Due to a lack of tracking, it is difficult to assess that.

She noted that LMDC is like a little city that comes with the same issues faced by society as a whole.

Regarding sexual harassment, she stated that there needs to be an assessment of how to change the culture at Corrections. Changing a policy alone is not going to cause a change. There needs to be a data-based analysis of what is working and not working.

Another aspect of the sexual harassment cases is, “Who’s addressing how the people sexually harassed were treated in the process?” Were those persons’ concerns addressed? There should be persons in the process who can ask the person who was sexually harassed, “Tell me what you need.”

Many of the decisions dealing with sexual harassment and the prevention of harassment are based upon what management thinks needs to be done whereas asking persons who have actually been the victims of sexual harassment could provide better insight into what would help prevent it and make reporting it easier and more acceptable. There tends to be a cynicism for the process if input from actual victims is not included in policies and procedures. Victims want to have a voice in what they think needs to be done to correct the culture.

She asked, “How do employees think it’s okay,” to engage in egregious behavior? She believes it stems from overlooking of lesser offenses and failure to hold people accountable. She believes sexual harassment is embedded in the culture. Females are the predominant victims in sexual harassment matters. The overall way in which women are treated at the LMDC has an impact on sexual harassment. Are female employees spoken to in a demeaning manner or minimized? She believes there is an “air of let the real men” handle the situation. She believes there is a culture of letting women share their opinions, but the real men will handle the big problems. This mentality trickles down from the top to the bottom.

She has received feedback from females at LMDC who have observed the top ranks of the organization. Some women perceive that because of their gender their opportunities in upper management are limited.

Regarding some of the egregious instances that she has heard of, it is her belief that there must be something deeply woven into the agency’s culture that would create a belief on the part of an employee that it was appropriate or that it was not problematic to pull out his penis or grope female employees.

Again, she believes the new policy was a reactionary move and that it only treated the symptoms rather than peeling back the layers to find out what within the culture would give employees the impression that such behavior is condoned. As with the sexual harassment

problem and other problems within the facility, there seems to be a fixation on bandaging the issue rather than getting to the core issue.

Getting back to the Training Academy, it operates as an island. They decide what they are going to focus on in the in-service training. What is important in their minds may not be what is needed within the institution.

She believes the Professional Standards Unit (PSU) piece of accountability needs to be expanded when a critical incident happens. For example, in the federal system in which Leyderman worked, there was an immediate re-creation of an incident and an after-incident assessment by a group of people from the forensic side, medical and psychologists who would make tangible recommendations to reduce the likelihood of such an incident occurring in the future. It seems that those directly impacted by an incident are not included in finding the solution to the problem.

Once again, there is a lack of tracking concerning critical incidents to see what might need to be corrected to prevent such incidents in the future. She further stated that there needs to be some metrics by which the training curriculum is developed so that it has a set of standards that sets an employee up for success. Who determines how many hours of defensive tactics or use of force are contained in the recruit training versus training on interpersonal skills, communications, de-escalation which if done correctly would likely somewhat reduce the needs for defensive tactics or use of force in the Corrections facility?

In reality, Leyderman said only a small percentage of a corrections officer's time is responding to a critical incident whereas close to 98 percent of a corrections officer's responsibilities involve interpersonal skills with inmates. Consequently, she questioned whether the training hours are a proper reflection of what one will be doing most of the time on the job. She does not believe that the use of force within the facility is being tracked to provide management with data on how often use of force is used and why which would then help management address the underlying issues which might be more training or corrections to the facility itself.

She noted that there is a distrust by some in the community as to whether inmates are getting what they are supposed to. There is a chasm between fact and fiction but greater transparency and evidence-based validity to what is being done would help reduce that somewhat.

Once COVID happened, training ceased. Since COVID has ended, there has been a lack of return to in-service training. In addition, new staff hired during those COVID years lacked training and experience in direct supervision of inmates. She also noted that during COVID the jail was able to reduce its capacity down to 700 people whereas there are now approximately 1500 incarcerated. She reiterated that the space and design of the facility is tremendously lacking and that it prevents direct supervision of the inmate population. Finally, she noted that there needs to be a reassessment of security personnel being involved while a mental health provider is caring for an inmate.

Leyderman stated that she coordinated a group of Louisville officials traveling to Nashville, Tennessee, to review the Nashville Jail and its Behavioral Care Center. This group included persons from the judiciary, legislative branch, the mayor's office, the ACLU, and mental health officials. She stated that most of the people were very impressed with the jail facility and the alternative to putting mental health patients into a jail setting.

She stated that the solution to the mental health crisis is not the sole responsibility of LMDC, but it is a community issue that needs to be addressed by mental health officials, law enforcement officials, and judges by which a system can be established that diverts persons with mental health issues to somewhere besides the jail, somewhere they can receive appropriate mental health care.

She noted that the LMDC jail facility lacks access for inmates to legal material, reading material and educational material.

The current jail facility is not equipped to handle mental health patients. A new jail facility would not only assist in helping to care for mental health inmates but also help in the reduction of recidivism of inmates. A new jail facility would provide a safer environment for not only inmates but the staff as well. A better environment would reduce fights and create a better environment for all persons.

So much of what happens in many jails to include LMDC, is reactive in nature. There seems to be little time to sit down to "reimagine how things could be done better." Having sufficient staff to permit time for innovative thinking rather than reactionary thinking would help in the long run and be more cost efficient.

Currently, there is a lack of alternative places for persons with mental health issues. In the 1970s, there was a major effort to "deinstitutionalize" the housing and mental health patients.

Unfortunately, there was not a concomitant development of a support structure in the community as an alternative means for caring for these persons. As a result, they have become a disenfranchised segment of society, many of whom live on the streets.

The jail has become a mental health facility in lieu of the prior mental health institutions. Jails are simply forced to deal with those with mental health issues because of a lack of alternatives. She cited the Nashville Behavioral Care Center as an example of alternate ways of dealing with persons with mental health issues who are arrested.

She added one final comment about sexual harassment at LMDC, it is her sense that there is a culture of accepting a behavior and minimizing it as “friendly banter.” There also seems to be a general disrespect for females – almost an air of “women are less than men.” Corrections facilities such as LMDC need to consider the mandated uniforms that may not properly fit females. Also, accommodating schedules for females who are raising children would be helpful for not only recruitment but retention. There is a sense by some female employees that, “Women are the guests in the men’s house.”

#### **Mané Martirosyn – Executive Administrator-Civilian Division**

2006 – Graduated from the University of Louisville with a BS in Sociology

2013 – Received a master’s degree in social work from the University of  
Louisville

2002 – Hired by LMDC as a Corrections Tech in the Records Unit

2004 – Senior Corrections Tech in Booking

2006 – ID Lab

2006 – Martirosyan attained U.S. citizenship.

During her career, she has worked in the Records and the Classification area. She has also worked in the development on and operation of several in-house programs such as “Enough is Enough” which is a substance abuse program. She described her work as a social worker as her dream job.

In 2015, Director Bolton promoted her to Senior Social Worker. In this division, she helped develop and implement various programs for inmates in preparation for their discharge. One of the programs was the Medicated Assistance Program whereby inmates received medication once a month which blocked the brain receptors and eliminated the cravings for

drugs. With this medication, a person cannot get “high.” She also worked in setting up a community counseling and treatment program. Initially, she was the only social worker at LMDC, however, they have hired more social workers over the years.

In 2020, she was promoted to Offender Services Manager where she oversaw all offender programs.

During COVID, she tried to expand the program and asked for eight additional positions. After eight positions were approved, they established a Reentry Specialist and a Community Outreach Specialist. They would interview inmates to determine what programs might benefit them. The Community Outreach Specialist would follow a person once they were released and attempt to put them into contact with other agencies in Metro Louisville that could help them. She said that this program has been replicated by other communities.

One of the programs that Director Collins wanted established was a veteran’s program. They developed a program called Operation Valor. This program was instituted in July of 2022. This is a special dorm for veterans, and it is designed to help veterans with issues that they might have that are unique to them.

In 2022, Martirosyan was promoted to Executive Administrator. In this position, she is over all civilian employees at LMDC. In this role, she also is responsible for acquiring records that might be needed, handling inmate disciplinary programs and inmate grievance programs. One of her responsibilities and main focus concerning records is the result of a class action involving late releases of inmates. It became known that inmates were being held beyond the date they were to be released. Currently, no software program is in place to alert anyone within the facility that an inmate is due for release. Martirosyan currently has an Excel spreadsheet to track inmates’ release dates. She said it would be helpful to purchase a software program.

She had heard that there have been instances where an attorney will come to the reception area and state that he was there because his client was held nine days beyond his release date.

She noted that she receives orders and release orders from many courts and prosecutors throughout the state. She receives emails in one folder concerning arraignments in other court proceedings. She also has set up for herself a records email box and a pretrial box.

She stated that the civilian side of LMDC is very short staffed. As a result of the short staffing, employees are having to work handling matters that should be handled by other employees if they had the appropriate staffing.

She stated that the Human Resources director attempts to recruit employees at job fairs. They also receive applications from the Metro Louisville Human Resource Department. Regarding the recruiting, Officer Young recruits officers. They have entered into a contract with a company called Incipio. This company assists LMDC with its social media appearance.

Concerning the staffing, she stated that the Records Department has 20 vacancies, and the Classification Unit has nine vacancies.

The Classification intake person interviews inmates using a standard questionnaire. They go over the PREA Form with the inmates and determine if the inmates have a fear for their safety, have ever been assaulted in a corrections facility, their current charges, prior convictions over the last ten years among other questions.<sup>112</sup> They use a SARN classification assessment.<sup>113</sup>

During the intake process, CourtNet is reviewed for jail history. As part of the intake process, they attempt to determine if an incoming inmate needs to be housed in a detox cell.

On the Booking Floor, there are three dorms in the back where new inmates are held for two to three days until they have their arraignment.

On the third floor of the main jail is the Program Walk where the dorms are for different programs offered by the jail.

In the process of classifying an inmate, they assess whether there is a “no bars alert” or a “no outside walls” alert meaning that the inmate is such that they need to be housed in a cell without bars or access to the outside walls.

Once an inmate is classified and sent to a floor and cell or dorm, they are not reclassified unless the corrections officers on the floor recommend a person be reclassified and sent to another floor or dorm.

Within the facility, there is a floor classification team consisting of caseworkers to determine the needs of inmates. These floor counselors are supposed to make two rounds per day. Currently, they have nine floor counselors with a vacancy of five. She stated that they actually need 16 to handle the workload.

The booking process includes people from the Records Department typing in information concerning the inmate, then the arrested person has a medical assessment by nurses staffing a

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<sup>112</sup> Prison Rape Elimination Act.

<sup>113</sup> SARN is a standardized treatment planning tool used by corrections institutions and stands for Structured Assessment of Risk and Needs.

desk area on the Booking Floor. Also, during the booking process, pretrial services are involved in whether the inmate should be held.

She noted that many of the civilian staff feel that they are overshadowed by the corrections officers. Many feel that persons within the LMDC facility don't feel that the civilians are as important as the officers. She stated that the civilian staff play a vital role in the operation and housing of inmates at LMDC.

Martirosyan provided the following items:

- Excel spreadsheet listing grievances filed by inmates. (These are handled by Martirosyan.)
- A list of the programs and short descriptions of programs offered at LMDC.
- A housing designation sheet.
- Information about the SARN classification system.
- Classification Intake Orientation document.

#### **Wanice Bland-Tunstall – Executive Administrator**

2022 – graduated from the University of Louisville with a Bachelor of Arts degree in Interior Architecture and Interior Design.

2012 – graduated with a Master's Degree in Urban Planning and Public Administration.

2012-2016 – employed by the Frasier Museum in the Human Resources Department.

2016 – hired by Louisville Metro and served in the Human Resources Department. In that capacity, she handled hiring for Louisville Metro Corrections. In 2018, she was approached by then-Director Mark Bolton to apply for a position at Louisville Metro Corrections; however, she was reluctant to do so because of the reputation of Metro Corrections.

Bland-Tunstall stated that there are 26 agencies within Metro Louisville Government. Each agency does its own hiring but has certain interactions with the Louisville Metro Human Resources Department. The human resource analyst with Metro Government who works with Metro Corrections includes Camelia Meneese who handles non-sworn personnel and Austin Hall who handles sworn personnel.

The sworn applicants complete an application, take a civil service test and a physical ability test (PAT).

Each new applicant meets with Corrections Officer Andrew Young and Bland-Tunstull. Each applicant undergoes an interview, a psychological evaluation, a polygraph, and a medical physical. The final review of an applicant is by Deputy Director Dave Heacock and Director Jerry Collins. It was Bland-Tunstull's opinion that it is easy for individuals to apply for positions at Metro Corrections. She noted that recently they had eight applications but seven were disqualified for psychological reasons. After review of those seven who failed, one was considered after review of the psychological reason that that person was initially disqualified. Thus, of the eight applications, six did not make it through the initial process because of psychological concerns.

As noted above, Corrections Officer Andrew Young assists Bland-Tunstull in the hiring of sworn personnel and Dwayne Nunley assists her with the hiring of non-sworn personnel.

All applicants undergo a psychological exam. The results of that exam are analyzed by a contract doctor working for Metro Corrections. Internally, Dr. Maria Leyderman reviews the psychological evaluations of the applicants. Dr. Charles Biebel is a contract doctor working for the Department of Corrections. Dr. Biebel is also a psychologist working with LMPD to assess potential applicants for positions with the police department.

The sequencing of the various steps in the hiring process varies based upon when the Louisville Metro Civil Service Test is given. On the day that the applicants take the civil service exam, they also complete a background information sheet and provide fingerprints so that a background investigation can be conducted on them to include a scrubbing of social media accounts that they might have. Currently, credit checks are also conducted as part of the hiring process, but Bland-Tunstull said that the results of those credit checks are not used to eliminate people as potential candidates. The application completed by the applicants is through an app called NEO-GOV.

Bland-Tunstull stated that the Metro screening process, although objective, may eliminate candidates because the people at Metro Government reviewing the applications may not be completely conversant with the needs of the agency. The initial screening done by Metro Government is done by checking boxes whether the applicant meets the initial requirements of the agency posting the application.

The physical ability test is given to Corrections applicants by Bland-Tunstull and Andrew Young. The PAT requires an applicant to complete a mile run in 13.20 minutes, run an obstacle

course which consists of a short run upstairs and downstairs, and then pulling a sled that weighs 100 pounds. These tests are given at the Training Academy usually at 4 p.m. on a day selected by Tunstull. Applicants are also shown a video and given a tour on this day.

Bland-Tunstull maintains an Excel spreadsheet into which she manually types the names of all new hires and the date of termination of employees. Metro Government currently utilizes a software program called PeopleSoft, but Bland-Tunstull did not believe that that system was sufficient because it does not state why a person has left Metro Government. A new system called Kronos may be a better system and capture that information.

Bland-Tunstull stated that during the COVID outbreak it was difficult to retain personnel and to hire personnel.

In addition to her responsibilities during the hiring process, Bland-Tunstull also listed the following coordinator responsibilities that she currently holds:

- Payroll
- Human Resources
- COVID Coordinator
- Recruiting
- Hiring
- Medical Records
- FMLA
- Workers Compensation
- Payroll Disciplines
- Disciplinary Matters
- Grievances
- Sexual Harassment Complaints

Regarding sexual harassment matters, Metro Government does have a reporting process in addition to the process in place at Metro Corrections. Metro Government also has an ethics tip line, but Bland-Tunstull noted an instance where a female employee used the tip line thinking that the complaint would be held confidential, but the matter was referred to Metro Corrections Director Bolton which compromised the confidentiality of the employee's complaint.

Concerning recruiting, Bland-Tunstull and Andrew Young attend job fairs, go to colleges to include the University of Louisville, the University of Cincinnati, and Indiana University.

Bland-Tunstall noted that they have not done as much recruiting at the college level. The following places are what they go and things they have done to obtain applicants:

1. Job fairs
2. Colleges
3. High schools
4. Military bases
5. Walking malls, handing out business cards
6. Establishing an incentive program by which employees can obtain up to \$1050 for referring persons for employment at Metro Corrections.
7. They have also begun some partnering with LMPD.
8. Currently, they are also working on partnerships with the military reserve currently.
9. They are also using social media to promote employment opportunities with Corrections.

The prior administration fought with Bland-Tunstall on the use of social media. They currently use Facebook, Twitter, Instagram, and LinkedIn. They have also had some advertisements on radio stations and have used billboards. They previously used bus ads but did not find those to be very beneficial.

They are trying to do a hiring event in August. Metro Corrections has contracted with a private company called Incipio. The contract is valued at \$100,000. Incipio assists with maintaining Metro Corrections' social media footprint along with posting videos for YouTube and billboards.

Currently, Metro Corrections does not have any metrics to substantiate what recruiting efforts are being successful or providing a return on their investment of time, effort, and money towards those recruiting methods.

Again, Bland-Tunstall stated that the prior Metro Corrections administration did not support the use of social media, nor did they provide sufficient personnel to support an effort to use social media.

Incipio assists with the preparation of videos on what employees do at Metro Corrections. The Metro Corrections budget currently does not have a line item for recruiting.

Bland-Tunstall stated that there are some benefits that would be helpful to attract candidates. For instance, she noted that the Metro Corrections Fraternal Order of Police (FOP)

does provide some educational benefits. The FOP has partnered with JCTC to provide online schooling for Metro Corrections employees.

Bland-Tunstall stated that former directors Bolton and Clark were not supportive of current recruiting concepts such as the use of social media. She stated that current Director Collins is open to ideas to include the use of social media and influencers on the internet. Former Director Clark had Bland-Tunstall stuffing envelopes to send personal letters to people. She thought this was a very inefficient and ineffective way to try to recruit people. She expressed frustration that the former director told her the importance of recruiting people but did not provide the staff to do the necessary work.

She stated that the Metro Corrections FOP criticized her for six to eight months during the past year calling the jail facility a deathtrap. She felt that she was being personally attacked and that there was criticism for her being promoted to personnel supervisor with a pay raise. She stated that the negative publicity about Corrections that was being promoted by the FOP had a significantly negative impact on her and Metro Corrections' ability to hire people. She felt that former FOP President Tracy Dotson had it out for Director Clark and noted that some people say the current FOP President is the former President's puppet. She has heard that Dotson stated that she was a minion for the prior administration.

Bland-Tunstall believes that an officer should not be at the Training Academy. Former Deputy Director Ashby would ask her to get rid of the officer for inappropriate conduct. She has heard this officer and Ashby had some type of a relationship [REDACTED].

She had heard that this officer and his wife had issues, and the wife would go to Ashby which created a mess at work. She believes that this officer is friends with someone at Metro Council. She believes that efforts to remove the officer from the Training Academy resulted in a council person calling former Director Clark to get those transfers squashed.

Former FOP President Tracy Dotson had some type of a relationship with Corrections Officer Emily Dunkenstein that resulted in her filing a lawsuit about him sexually harassing her. Former Deputy Director Ashby would tell Bland-Tunstall that [REDACTED]. She believes that there are text messages related to Ashby and Dotson that might be available at the LMPD Public Integrity Unit.

Concerning sexual harassment, she believes that Collins takes this matter seriously. She noted that former employee Ronald Anthony and a handful of employees such as Ramen Scaggs and Mark Freck seemed to be involved with sexual harassment at the facility.

She did not believe that former Deputy Director Baker pursued sexual harassment cases the way it should have been. Bland-Tunstall likes the new director. She cited his hiring as one of the reasons that she decided to stay on at Corrections in her current capacity. She also believes that he brought in good people who will help steer the agency in the right direction. She did note, however, that she believes Daniel Johnson has more influence than he should have.

## **Metro Government**

### **Greg Fischer – Mayor**

Mayor Fischer stated that he had very little involvement with former Director Dwayne Clark at the end of his tenure. Most of the matters involving his departure were handled by Deputy Mayor Ellen Heslen along with Public Safety Director Matt Golden. He had no direct discussions with Clark regarding the needs of Clark or LMDC. Those discussions, if any were held, were worked through Amy Hess, Public Safety Director, and Ellen Heslen. Clark was brought in under former Director Mark Bolton. Clark seemed to be Bolton's wingman and inseparable. There were difficulties with the jail when Clark came to assist Bolton. Clark took an interest in reentry programs which included Chance for Change and Women's Christmas Party.

When Clark retired from Corrections, there was a lot of public fanfare. He appeared to be beloved by the employees. When Bolton left, the reception that Clark got when he retired impacted Fischer's decision to hire him as the Bolton's replacement. He thought he would be the best fit. He seemed to be liked by most employees.

In dealing with Clark, Fischer described him as an introvert and not a dynamic speaker. He was not a political guy and not really engaging. Clark was initially applauded when he was hired for the director position.

Mayor Fischer contrasted current Director Collins to Clark. Fischer stated that Collins was more of an extrovert. When the overdoses and suicides were up at Metro Corrections, most of the discussions regarding those problems were handled by Deputy Mayor Heslen or Public Safety Director Hess. Fischer did not have any direct discussions with Clark about these issues.

When the COVID pandemic hit, the courts were shut down and virtually everything else was shut down. Fischer had a daily crisis management meeting with his cabinet leaders to include Public Safety Director Hess who oversaw Metro Corrections. When the deaths were increasing and staffing became critical at the jail, there was a lot of media attention to the problems at the jail and the Corrections Fraternal Order of Police was extremely critical of Clark as was the Metro Council. There came a time when Deputy Mayor Heslen had a meeting with Clark and asked him, “Do you want to continue in your position as director of Corrections?” Or “Do you want to withdraw yourself from this continual criticism and stress?” Ultimately, Clark decided to resign as director.

Fischer then was faced with finding a new director to take over from Clark. Fischer was aware of Jerry Collins having worked at the jail and had input from others that Collins might be a good fit to be brought back as the director. The FOP seemed to agree that he would be a good fit. He concluded that a national search didn’t make sense when they knew Collins and his abilities and indicated he would be willing to take the position if offered to him.

Accordingly, Collins was offered the position and was hired. Mayor Fischer also hired Gary Raney to come in and do an assessment of Corrections. Through work with the FOP and Metro Council, a pay raise was approved for the corrections officers. Fischer believes that a new jail facility would help to resolve many of the problems that they are experiencing. Fischer stated that many of the problems being experienced by Metro Corrections paralleled what he believes is a national trend of increases in suicides and drug overdoses in corrections facilities.

### **Ellen Heslen – Deputy Mayor**

In 2019 when then-director of Metro Corrections Bolton left, Dwayne Clark appeared to be the heir apparent. It was her opinion that he was the logical choice. He had a great track record and was able to get the American Corrections Association Accreditation for the jail. He had also started some good social programs within the jail. Clark agreed to be the director at Metro Corrections.

Shortly after Clark was hired as the director of Metro Corrections, the COVID pandemic hit at a time when there were already staffing issues at the jail. The inmate population was up because the jail housed many state prisoners. Clark worked with State officials to get the State prisoners moved to State facilities. His administration also worked with the judicial system to

get low-level offenders out of the jail facility. It was her opinion that there were a lot of challenges for Clark. She described Clark as a quiet guy and the opposite of former Director Bolton. Clark was more of a behind-the-scenes type of person. Public Safety Director Amy Hess and former Public Safety Director Matt Golden were Clark's direct supervisors.

In addition to the COVID pandemic, there was civil unrest in downtown Louisville at the same time. Clark decided to close the Community Corrections Center to bring the staff from that facility back to the main jail. Meanwhile, there was a no-confidence vote from the Corrections FOP.

Hesen stated that Clark did not ask loudly for assistance. She recalls him saying one time, "We are doing the best we can, but we do need help." She does not believe it is fair to criticize Clark that he did not advocate for the staff. During this time, the FOP was very vocal. As a result of the no-confidence vote, the abundant criticism of Clark in the media and an additional no-confidence vote from the Metro Council, Hesen had a series of conversations with Clark, some of which included Matt Golden and Amy Hess. These conversations included discussions about "let's not be a distraction" with all that is going on. In the discussions with Clark, it was jointly concluded that a good path to take would be to bring in a new director.

When Clark submitted his resignation, Matt Golden did most of the work on finding a replacement for him. Director Collins' name came up in discussions. It was concluded that it made no sense to do a national search, especially with the Fischer administration coming to an end at the end of the year. Director Collins agreed to come back to Metro Corrections. Collins has a very different personality – he is outgoing and more approachable. She believes that Director Collins is doing a very good job.

She believes that Metro Corrections needs a new training facility. She believes there is money to design a facility and acquire land for such a facility.

### **Amy Hess – Public Safety Chief**

Hess was initially hired as the Public Safety Director in February of 2020 and served in that capacity through May of 2021. Thereafter, in September of 2021, she was hired as a consultant and worked in that position through January of 2022. In February of 2022, she was hired to the position of Deputy Corrections Director in Charge of Special Projects. In that position, she conducted a review of the Metro Corrections facility. In doing so, she reviewed

many of the prior assessments of the Corrections and the jail facility. She found that most of those reviews had common themes to include the need for a new jail facility. It was her conclusion that the jail facility was awful and that a new jail facility should be built.

She stated that the jail is oftentimes used as a default mental health facility which it is not staffed for nor has the facility to serve in that capacity.

During her tenure as the public safety director, which included oversight of the Corrections Department, former Director Clark did not reach out to her to plead for help. Initially as public safety director, she did not have a sense that there was a problem at the jail. Most of her efforts initially as public safety director were devoted to the Louisville Metro Police Department and issues facing it. Initially, the jail was not that prominent of an issue.

Hess described Clark as dispassionate with a lowkey approach to things and that he did not give a sense of urgency or significance to what was going on over at the jail.

She believes that sexual harassment is an issue at the Corrections Department. She became aware of the issue when a corrections officer by the name of [REDACTED] was involved in a lawsuit. She recalls that the officer was removed from his position at the Training Academy by former Maj. Ashby. Hess received a call from a council person asking why Ashby was still at the Training Academy which he oversaw and that there were tensions between the officer and Ashby.

The council person indicated that he believed the officer was unfairly treated and sent emails asking her why Ashby was still at the Training Academy.

She did not have significant involvement in assessing sexual harassment at the jail facility or the development of a new policy. That was handled by Matt Golden with the assistance of the Louisville Metro Human Resources Department and the County Attorney's Office. When Hess was selected to assist with the Corrections Department, she shared that responsibility with another person, Ron Heady. She recommended that Matt Golden be contacted concerning his involvement in the development of the sexual harassment policy and other issues at the Corrections facility.

### **Matt Golden – Public Safety Chief**

Golden was the Public Safety director for Metro Louisville from May 2021 through October 2022. In this position, he was over Corrections, the fire department, EMS, Metro Safe, youth transport, police contract, and DOJ matters. In this position, he spent a lot of time on LMDC matters. It became abundantly clear when he first became involved that there was “clear dysfunction” at LMDC attributable to controversies with the Corrections FOP and the leadership at the time. It also became abundantly clear that a new jail facility was needed.

He contrasted the LMDC facilities with the nearby Oldham County Jail. At Oldham County, they have a 10-to-1 ratio inmates to employees whereas at LMDC they have a 4-to-1 ratio. Oldham County can operate with fewer personnel because of the design of the jail facility. It provides a clear line of sight throughout the facility whereby fewer officers can ensure the safety and security of the inmates housed at the Oldham County Jail.

When he began his tenure as Public Safety Director, 75 percent of the inmates at LMDC were pretrial inmates whereas when he left 85 percent were pretrial inmates. The other percentages were inmates being housed for other jails and state prisoners before they were transferred to a state prison facility. He determined that 20 percent of the population was in the LMDC jail facility for more than a year and five percent more than two years. He also noted that when he took over as Public Safety Director there were up to 1600 inmates housed in the LMDC corrections facilities.

Under state law, persons convicted of a crime and sentenced to a state institution are supposed to be transferred to a state facility within 45 days of their sentence. When he arrived, this was not being followed partly due to the COVID pandemic.

The LMDC facility was also housing out-of-county inmates because those county jails were not picking up their prisoners due to the pandemic. The current jail facilities can house a maximum of 1375 inmates but as noted above there were 1600 in the facilities when he arrived.

During the COVID pandemic, he worked with the judicial system to obtain bond reviews for people with low-level charges to get them out of the jail facility. He worked with the Criminal Justice Cabinet, the County Attorney, and Corrections to accomplish this.

Golden set seven priorities for himself regarding the LMDC: 1) evaluate leadership, 2) evaluate medical response, 3) assess overcrowding, 4) review critical staffing needs, 5) assess

jail facility and need for a new facility, 6) union matters (FOP), and 7) accountability of leadership and staff.

In terms of leadership, it was his opinion that an outside leader needed to come in to review and improve processes and do a gap analysis. These assessments must continue on a permanent basis.

During the medical review, he assessed whether they had processes in place to assess whether an inmate needed to get treatment.

One of the things that he established was a weekly roundtable during which he met with the medical director, a new psychologist hired by Director Collins, Maria Leyderman. It was obvious to him that the facility was inadequate to care for inmates, especially those with medical or mental health issues. He found the inmate management system that coordinates with police and other counties to be lacking. It was also apparent that there was a shortage of personnel.

When Director Collins was hired, it was Golden's opinion that he was a visionary and an innovator. Director Collins wanted a mental health professional as part of his leadership team and hired a psychologist and placed her on his executive team.

Concerning leadership, he described former Director Dwayne Clark as a good man, class act, and when number two under former Director Bolton, he was well loved and well respected. During the period of March 2020 through May of 2021, Clark was under unbelievable pressure due to the high incarceration rate, the court system being closed and the COVID pandemic.

Clark's leadership team was columnar rather than linear. He thought that this created problems as the executive staff was isolated from others in the system.

The Metro Corrections Fraternal Order of Police voted a no-confidence vote as to Director Clark. Golden began working with the FOP President Daniel Johnson to try to bridge this chasm between the FOP and Director Clark.

Clark's team consisted of Eric Troutman who lacked operational experience, Steve Durham who was a lawyer for the State Department of Corrections and Martin Baker who had little operational experience. There was virtually no operational experience at the major level.

Golden told Clark he needed operational people. Golden told him he needed to promote someone to major with that experience. Golden observed a lack of coordination among the leadership and a lack of cohesiveness.

Golden saw a night-and-day difference between Director Collins and his leadership team as compared to Director Clark. He noted that corrections officers were distrustful of persons without operational experience in the jail. Collins provided a fresh perspective of how the jail should be run.

It was Golden's impression that Collins listens to his team. He's innovative and manages by walking around the facility and interacting with staff. Collins seems to know many of his subordinates and engages with them when walking through the jail. It was Golden's impression that Collins' leadership team also walks through the jail. Again, Golden noted that Collins has a spirit of innovation and listens to his employees. His leadership team of Goodlett, Beeson, Gilbert, as well as Collins, rose through the ranks at LMDC.

To improve recruitment, a program was established whereby current employees would receive a bonus for referrals.

Golden recommended to Deputy Mayor Ellen Heslen that Clark needed to be removed. This occurred sometime in November or early December of 2021. They went to Clark and noted that the pressures were going to continue and did he have it within him to handle it. Golden talked to Clark weekly in an effort to help him. Nevertheless, it became Golden's opinion that a change in leadership was needed.

Golden also worked with other city leaders to implement retention incentives, and obtain a wage increase for corrections officers.

It was his opinion that sexual harassment has been the culture at LMDC. Part of the sexual harassment problem is a lack of accountability. He sensed and observed a culture where there was a lack of accountability when it came to sexual harassment matters. He believed that a more robust policy and training had to be implemented along with a strong emphasis on holding people accountable. He also believed that a process needed to be put in place to allow persons who felt they were victims of sexual harassment to file complaints.

Golden became aware of some troubling instances involving sexual harassment. He learned of female employees having their hair touched and compromising photos taken of females and used to blackmail them.

He worked with the County Attorney's Office to improve the sexual harassment policy and to provide training to all employees.

He also took steps to ensure that the Professional Standards Unit had the tools to investigate allegations of sexual harassment. As part of his effort to assess and improve matters at LMDC, he brought in Ron Heady to assess the PSU. It was their determination that there was a lack of accountability and discipline meted out to those who were late to work as well as other policy violations. Most disciplinary actions were appealed by the FOP. This resulted in a lack of immediate action to hold people accountable for inappropriate behavior.

He noted that the FOP has significant control over the operation of the jail facility. It was his opinion that over the course of time rather than increasing the money paid to corrections officers the Metro Government agreed to give up certain disciplinary rights in lieu of increasing the pay for corrections officers.

He believes that one of the issues in terms of recruiting and retention revolves around a change in the state pension system in 2013. When he began as Public Safety director, corrections officers received \$17.50 per hour but they were able to get that increased to \$22 an hour.

All disciplinary actions go to the LMDC Human Rights Director, county attorney and to the LMDC Director. The FOP personnel are extremely knowledgeable of the contract with Metro Government and how to ensure that the contract and all nuances to the contract are followed to the letter of the agreement.

During his tenure as Public Safety director, he learned of a corrections officer at Training Academy who has a very large personnel file. He previously seemed to wield a lot of power. He was also the subject of several sexual harassment complaints.

### **3. NON-MANAGEMENT AND NON-LMDC**

#### **Daniel Johnson – Metro Corrections FOP President**

Johnson graduated from Jeffersontown High School and attended the Southern Seminary with the goal of becoming a minister.

Johnson began his work career at Shoe Carnival, transitioned to ESP Window Tint and then to Sears Collections. His father was a Jeffersontown police officer and encouraged his son to consider a career in corrections. In October of 2005, he began employment at Metro Corrections. In 2018, Johnson was promoted to sergeant. Johnson noted that he had a desire to

help people and had a reputation of being able to work with people. He thought that his desire to help people coupled with his training at the Southern Seminary equipped him well for a career in corrections.

In 2015, Johnson became involved in the Fraternal Order of Police Lodge 17 which is the Fraternal Order of Police (FOP) that represents the Metro Corrections officers. The FOP president at the time was Tony Harris. Tom Campbell was the director of Metro Corrections. In 2019, Johnson was elected president of the FOP.

The immediate past president prior to Johnson was Tracy Dotson. Under Dotson's leadership, the Collective Bargaining Agreement (CBA) was a contract for seven years. The current CBA expires in July of 2023.

The CBAs are negotiated with the Public Safety director who currently is Matt Golden. Also involved in the negotiation process with Metro Government is the Metro Human Resources Department. Currently, Penny Bland is the representative from Metro Human Resources. The FOP has a negotiation committee that meets at the lodge to formulate proposed CBAs. Ultimately, once an agreement is reached, it is approved by the mayor.

Under a recent agreement with Metro Government, the starting pay for Corrections officers is \$21.32 per hour. It had been \$16.89 per hour. In addition to the hourly salary, the Corrections officers do receive three uniforms – class A, B and C. This includes pants, shirts, and boots. Other items such as duty belts, flashlights, guns, and holsters have to be purchased by the officers themselves.

Corrections officers who work off duty work can make between \$45 and \$75 per hour. Johnson stated that officers assisting with traffic at Southeast Christian are paid \$45 per hour, \$60 per hour for work at UofL basketball games and \$75 per hour at Six Flags Amusement Park in Louisville, Kentucky. Johnson noted that because of the pay that they can receive doing off-duty work some officers have been known to call in sick for their LMDC job and work the off-duty work because it pays much more.

Johnson stated that the normal shift for Corrections officers is an eight-hour shift, however, they are frequently forced to work a double shift for a total of 16 hours. Under a recent agreement with Metro Government, Corrections officers forced to work overtime are paid double their usual salary. The forced overtime is based upon a seniority list that rotates based upon when a person was last forced to work overtime. Under the FOP agreement, Corrections officers

are only supposed to work 16 hours of overtime per week. Johnson noted that sometimes officers will agree to work more than the 16 hours to make additional money. Johnson stated that the current staffing at Corrections is 318 employees of which 259 are corrections officers.

Johnson provided a list of 20 duties required of corrections officers. He began that discussion by stating that six officers are required on each floor of the jail 24 hours a day, 7 days a week. The following is a list of the duties Johnson described corrections officers are required to do:

1. Armband Count – conduct an armband count on each floor every 30 to 60 minutes to ensure all inmates supposed to be on that floor are still there. If an inmate is moved for some reason, it must be noted during this floor check.
2. Work Aide Overwatch. Work Aides are inmates who conduct or assist with cleaning. The Work Aides also assist on “one-on-one watches. Johnson described these one-on-one watches as an inmate posted outside of a cell to watch a person who might or has been listed as a suicide risk. These Work Aides also assist in passing food trays. Johnson noted that these Work Aides might also be responsible for passing drugs to other inmates.
3. Attorney Visits. When attorneys come to visit an inmate, they must check in at the front desk which calls the appropriate floor on which the inmate is housed. The corrections officer then takes the inmate to an attorney booth where the inmate meets with their attorney. This can be a time-consuming process for the corrections officer.
4. “Chow Time.” Requires the corrections officers to get the food, separate the food to the various floors and locations in the jail both the north and south facilities. Johnson noted that it was important to expedite this process because the food can get cold if not promptly delivered to the inmates which creates angst among the inmates and can precipitate fights when cold food is served.
5. Passing Razors into the Dorms – corrections officers distribute razors once a day to the inmates. The inmates are permitted to keep the razors for 30 to 60 minutes. Thereafter, the corrections officers are required to make sure all blades are returned. Again, this can be a tedious and time-consuming process.
6. General Education (GED) Program. Corrections officers must take inmates to the GED Program.

7. Alcoholics Anonymous (AA) – corrections officers are required to take inmates enrolled in the AA program to AA meetings within the facility.
8. Church Visits. Religious organizations send representatives to the jail to meet with inmates. These church representatives go to each floor and visit with the inmates who are interested in religious programs. These meetings are conducted in the multi-purpose room. Johnson noted that there are only three restrooms on the floor for 40 people.
9. Counselors – there are between one or two counselors for the total inmate population which has been averaging 1400 inmates. Corrections officers are responsible for taking inmates to meet with counselors in the jail facility.
10. Nurses – corrections officers assist the nurses in passing out medicines prescribed by the Corrections doctor. They must verify the prisoner’s name and verify that the medicines for each inmate are still required. Johnson noted that one of the problems with the current system at Corrections is that when an inmate is taken in and they state that they have been taking certain medications, the inmates will not receive those medications until approved by the Corrections doctor. However, there is only one doctor for the facility, and it can take up to two weeks for the doctor to verify that the meds are still needed by an inmate and approved by the inmate’s doctor outside the facility. This can precipitate problems when a person needs some type of medication for mental illness. It can also create problems for persons with high blood pressure or heart issues who require daily doses of medication.
11. Sick Call – corrections officers coordinate getting inmates to be seen by the Corrections doctor. Johnson noted that it may take up to two weeks to get an appointment to see the doctor because there is only one doctor on staff at Corrections. In addition to only one doctor for the entire facility, oftentimes there’s only one or two nurses per floor when there should actually be eight nurses to sufficiently serve the inmate population on each floor.
12. Detox Nurse – corrections officers assist with protocols when an inmate is being detoxed from some type of drug or alcohol. The officers are required to monitor symptoms three times a day. This is extremely time-consuming with the number of inmates currently housed at the Corrections facility and the limited number of staff available.

13. Doctor's List – corrections officers are required to coordinate and assist inmates in follow-up appointments with the doctor.
14. Court Transfers – corrections officers have to “poke people” to go to court hearings. Often, this requires 50 to 60 inmates being pulled to be taken to court. Often this is the responsibility of one officer on each floor. Again, Johnson described this as a very tedious and time-consuming task. Johnson noted that there currently is a software system utilized by the jail called X-Jail Management System which is supposed to track where inmates are and any special needs that they might have. Johnson stated that this software system doesn't work well. He said that part of the reason it does not work well is that the Corrections facility does not have full rights to this software. He noted that it can take between 30 and 40 minutes to get logged on to the system. This system is supposed to be used to mark or designate when people come back into the facility from attending court. Part of the system includes review of the armband each inmate wears. The armband is supposed to have a picture of the inmate, however, sometimes the picture is blurred which requires additional time to ensure that the inmate with the band is actually the inmate who is supposed to be wearing the identification band. Johnson recommended a different system be considered. Johnson noted that 70 percent of the inmates are repeat offenders so that once an inmate is logged into the system that data should be retained for the next time the inmate is brought back to Corrections for another offense.
15. Changing Linens – corrections officers are responsible for changing the sheets in the inmates' living area and distributing towels, blankets and change of clothes.
16. Commissary – corrections officers coordinate Commissary personnel distributing snacks and other items to the inmates. The Commissary personnel are civilian workers who must be monitored. These civilian employees have been responsible for bringing contraband into the facility. Currently, the Commissary is in a subbasement where cameras are not in place. This creates an opportunity for Commissary employees to put contraband items into the Commissary bags that are then distributed to the inmates. Johnson stated that no sworn staff are involved in the process. He said that occasionally the LMPD K-9 Unit will “hit” on personnel or items in the Commissary area.
17. Break Up Fights – corrections officers are frequently called upon to break up fights among the inmates. Like many of the other responsibilities, this can be time consuming

and require multiple officers getting involved. Once the fight is quelled, officers must make a report of the incident. This is or can be a time-consuming process.

18. Inmates Moving to Another Floor List – from time-to-time inmates are moved from one floor to another floor. Each dorm has approximately 28 beds but may house up to 50 people. When an inmate is moved from one area of the jail to another, it requires corrections officers to move that person and to ensure they will have a place in the next area to which they're being transferred. Johnson noted that currently there are 480 inmates monitored by two officers; when staffing is at a better level, that inmate-to-officer ratio is reduced to 250 inmates for two officers. During the moving process, corrections officers move the inmates on elevators. This can be time consuming in that the corrections officer has to radio the control center to bring an elevator to a particular floor and then to move the elevator and inmate to the next floor. Oftentimes there are delays moving the elevators from floor to floor as well as elevators that are nonfunctional. Johnson also noted that the officers' radios may not work in the elevators which can create security issues for the officers. Johnson stated that the elevators are controlled by corrections officers in the main control unit which is staffed by two corrections officers. The officers in the main control unit manage the "in and out of inmates" from the floor on which they are housed to go to other appointments such as court appearances. The officers monitor the elevators, the doors in and out of the facility and the sally-port doors where inmates are brought into the facility. Johnson noted that there are insufficient security cameras throughout the facility. There are only cameras in the Hall of Justice elevators. Other elevators do not have cameras inside them. He also noted that there are only dummy cameras on the fourth-floor public side of the jail facility. Johnson was told that actual functioning cameras will be installed sometime in the future. Meanwhile, Johnson noted that the administrative area of the jail facility had been furnished with new furniture, yet the corrections officers' rooms smell like urine and are in woeful need of upgrading.
19. Maintaining Count – officers are required to ensure that the inmates are counted periodically to ensure that everyone supposed to be on a floor remains on the floor. As part of this process, if there is an "extraordinary incident," a blue form incident report needs to be completed by the corrections officer which is reviewed by the sergeant.

These EI forms are supposed to be completed if there is a fight or some medical need that arises for an inmate.

All corrections officers have been issued body cameras. These cameras do not always record but begin recording when a corrections officer pushes a button on the camera device. There is no specific written policy as to when an officer is supposed to use the body cameras. Johnson stated that the current policy is that it is the officer's discretion when to activate the camera. There is policy that states that officers are not supposed to record private conversations between officers. He noted, however, that one female officer used her recorder to record harassment against her by another officer.

Within the Corrections facility, Jennifer Eubanks is required to ensure that the video from the cameras is downloaded. Eubanks also reviews the video for preservation of video that might be necessary for civil litigation. The video is retained for 30 days unless designated to be retained longer than that. Camera footage is available through the Open Records law. SOP concerning the use of the cameras can be obtained from Sgt. Dearing.

Johnson stated that currently there is inadequate staffing at the jail facility. Johnson stated that he would provide a current listing of the actual staffing at the Metro Corrections facility along with the inmate population.

Johnson noted that often people are housed in the jail facility for nonviolent crimes with very low bonds such as \$500, however, they are unable to make their bond and remain incarcerated. On the average, it costs the jail facility \$151 per day to house an inmate. Johnson noted that at that rate a person housed on a \$500 bond would exceed that \$500 limit in less than five days incarceration. He contrasted that with a recent case in which a violent criminal who attempted to kill mayoral candidate Craig Greenberg was released within 48 hours after committing the crime.

Johnson believes that there has been a lackluster approach to hiring. He believes there's been little importance assigned to this very important issue of hiring adequate staff for the LMDC positions. He noted that the current recruiting includes job fairs, but he stated there are many other options available that are not adequately pursued. For instance, he suggested greater emphasis be placed on social media to include Facebook, LinkedIn, Indeed and other online job sites. He also suggested that Corrections consider hiring a recruiting firm to assist them in not only their advertising of jobs but recruiting of personnel. He also suggested that they develop a

program to help people who are interested in a corrections job but are having trouble meeting some of the requirements such as weight issues. He noted that one applicant had actually dropped nine pants sizes in order to get into the academy. He thought that greater emphasis should be placed on helping people who are willing to put the work in to become a corrections officer.

Johnson also criticized the length of time that it takes to get an applicant through the processing system. He stated that it can take between eight and 12 months to process an application. He believes that steps should be taken to reduce the delay and that once a person is hired, they should be placed into a training class immediately rather than waiting for a new class to begin sometime in the future. He noted that this long delay in getting an applicant through the system and into a class can deter people from wanting to become a corrections officer and in some instances these viable candidates find a job where they can be hired sooner than at Corrections and these potential applicants will take the job where they can be hired sooner than they could be for the Corrections job. Other ideas suggested by Johnson were that Corrections should post hiring signs at various locations where potential applicants might be found to include posting signs on the Corrections facility itself that they are hiring corrections officers.

Johnson stated that Wanice Tunstull in Human Resources is currently responsible for recruiting. She has the dual responsibility of handling HR matters and recruiting. Until just recently, there was no one fulltime dedicated to recruiting which is an essential need for Corrections. Recently, Andrew Young was appointed to assist with recruiting matters. In recent discussions with the Public Safety Director, Matt Golden, Johnson noted that 60 percent of the people who are successful at the Training Academy came from referrals of current employees.

Johnson stated that he would provide a chart concerning the number of people hired versus the number who have left Corrections.

Johnson stated that in terms of retaining employees there is a lack of programs to assist onboard employees. He stated that there is no existing process or program to assist employees who have been involved in critical incidents; there is no peer support or mental health program to assist employees who have been involved in critical incidents. For instance, one of the recent deaths in the jail facility involved a person with emotional problems. This inmate was in the attorney booth during the third shift. She had urinated on herself and was given a new pair of pants. The inmate used these pants to hang herself. The officer who had given her those pants

has had to process his potential responsibility for this occurring without the support of a program to assist him through this.

Johnson also noted a Sgt. Garrett had administered CPR 37 times to inmates but was not provided any critical incident support after these incidents. Johnson believes there should be some type of peer support or critical incident support mechanism. Johnson suggested also that this critical incident support should be with mental health experts not associated with the jail facility. Johnson had conveyed that to Director Clark who stated, "I'll work on that."

Other areas that could be improved upon to help with retention include improving the health insurance provided to employees. Johnson noted that the current insurance is not very good, and the employees are required to pay substantial sums for certain medical procedures. Johnson related that he had to pay \$600 for an ultrasound procedure and pays \$266 a month for his insurance premium. Concerning an Employee Assistance Program (EAP), Johnson noted that the current system is lacking. At one time he had requested assistance for his daughter, and it took eight months for the EAP person to respond. He stated that this waiting period is completely unacceptable, especially when somebody has emotional issues that need to be resolved. Again, this can impact employee retention.

Johnson thought that the current vacation time for employees is adequate. He noted that the corrections officers are under the Kentucky Hazardous Retirement Program which has three tiers of benefits based upon when an employee was hired into the corrections system.

Johnson stated that currently there is no specific curriculum for the Training Academy. The current training that is provided is provided based upon what the training staff thinks the current needs of the class might be. The training class can last anywhere from 12 to 15 weeks. There currently is no mandated training. Johnson stated that under Kentucky Revised Statutes there is no required minimum training. New recruits do receive training on use of force and firearms training. The Corrections department does not have its own dedicated firearms range and have been bouncing around from different ranges in the Metro area to include various ranges in Southern Indiana.

The only legal training provided to recruits is a one-hour class on how to fill out citations. According to Johnson, there is training provided on the Kingsley-Hudson Use of Force Concept. There is some training on civil rights and "modern use of force." New recruits receive 40 hours of firearms training which includes eight hours in the classroom.

The training is conducted at the LMPD Academy located on Taylor Boulevard. There currently is a class being conducted which consists of 11 recruits.

Previously, LMDC operated a Community Corrections Center at 316 E Chestnut Street. This program allowed inmates to transition from the jail facility into the community through either work-release programs or programs to have the inmates do work in the jail community/facilities or elsewhere in the Metro community. Johnson believed that this program was 100 percent helpful to getting people prepared for release into the community and provided them with responsibility.

Under this program, there were various community partners to include members of the Bail Reform Program whereby persons who were not violent could be transitioned into this program and out of the general inmate population. Metro Council person Nicole George had used some of these Community Corrections people to do work in her council district to remove graffiti. Some of these people in the Community Corrections Program also assisted with picking up litter in the community. Cynthia Hoke was involved with this program also. Director Clark closed the Community Corrections facility in 2019 allegedly because of COVID but Johnson believes the real reason was to bring staff from the Community Corrections facility back into the main jail facility. Johnson noted that Judge Stephanie Burke had been involved in helping release low-level first-time offenders out of the jail system back into the community at times through the Community Corrections Program. Johnson believed that the Community Corrections Program was an excellent program and should be reinstated.

Johnson thought that one idea that should be considered is helping inmates to sign up for public health insurance benefits through Obamacare, thereby, enabling these inmates who are frequently repeat offenders to avail themselves of health insurance benefits and reducing the medical cost for the LMDC itself.

Currently, medical care is provided at the jail facility through a company called Wellpath. The contract with Wellpath is a five-year contract. Johnson stated that some of the people in the Wellpath company are amazing. He noted that one of areas that is somewhat deficient is the mental health area. The medical unit currently is on the second floor of the main jail facility. The prior contract had been operated by a company called Horizon. The director of nursing has greater information about the medical program and should be interviewed according to Johnson.

Johnson stated that drugs and other contraband do get into the facility. He stated that at times there have been situations where a softball-size of drugs had been secreted in the body cavities of inmates. He believes that some of the drugs are coming in through the Commissary program. The Commissary employees who are civilians pack the requests of inmates into bags in the basement of the jail facility under no supervision whatsoever. There are also no cameras to record what is being done in the Commissary area.

Drugs have also been brought into the facility through the mail system. Recently, the jail has switched to a new system to help prevent contraband coming in through the mail. Under this system, the inmates will not receive the actual letters sent to them. Johnson noted that in the past some inmates received mail that had been soaked in various drugs that could then be licked and ingested by the inmates.

Johnson also stated that some corrections officers and other employees have been responsible for bringing drugs into the facility.

Johnson noted that there are numerous people who come into the Corrections facility who should go through the body scanner. He noted that there are people involved in the GED Program as well as religious programs who come into the facility who could potentially be bringing drugs into the facility. Again, he believed that all persons coming in the facility should go through the body scanner. He also suggested that there be random searches of employees. Johnson also stated that Lt. Redmon in the Professional Standards Unit would have information about cases where employees or others have brought drugs into the facility as well as information on the recent deaths that occurred at LMDC.

Johnson believes that the administration doesn't take sexual harassment seriously. He noted that there have been instances recently where lieutenants and sergeants have been having sex inside the facility and pictures taken of these events. He mentioned a sergeant who had kissed an officer against her will. Nevertheless, the victim was forced to work with the sergeant after this incident. There was also an incident on 6th East where a female officer was groped. This officer now works in corrections in Lexington. The officer responsible for this received three days' suspension. Johnson mentioned that a Lt. George Manley had put the two corrections officers together and stated that the two should work together until they could work things out. This statement was witnessed by Lt. Pennick and Moulder.

Another case Johnson mentioned involved a corrections officer named Michelle Sogan. Sogan has filed a complaint involving sexual harassment and since the filing of her lawsuit has been written up frequently and seems to never be able to do things well enough to the satisfaction of her supervisors. Johnson had told both Martin Baker and Director Clark that this was unacceptable. Johnson had stated to both Baker and Clark, "Put your spouse in her position of being kissed against her will, how would you feel about that?"

Johnson stated that greater emphasis on sexual harassment or the preventing of sexual harassment needs to be undertaken by LMDC.

Johnson stated that the new director who would be coming in, Jerry Collins, is a great guy with great leadership skills. Johnson had worked with him when he was a major and was previously employed by LMDC.

Johnson noted that when he brought concerns to the mayor about the current situation at Corrections to include Clark's leadership skills Johnson was told to "ride out the storm." Johnson stated that Clark had difficulty making decisions. Clark was brought on to keep an eye on the prior director, Mark Bolton, because Bolton seemed to say or try radical things.

One area of concern for Johnson involved the formulation of a K-9 Unit. Johnson believes that a K-9 Unit would be beneficial to Corrections in reducing the drugs coming into the facility. He stated that Public Safety Director Matt Golden seems supportive of the program. Johnson wanted a rigorous selection program that would open the opportunity of becoming a K-9 officer to all Corrections personnel. Deputy Director Martin Baker went to Director Clark and convinced him to limit the selection to people on the SORT team. Johnson believed this was a shortsighted decision and could limit qualified persons from applying.

Another criticism Johnson had was Clark's delay in appointing someone to the Intelligence Unit vacancy. Johnson described the Intelligence Unit as tremendously important to identifying persons who would be potential safety risks or involved in bringing contraband into the facility. Johnson stated that the new Director Collins wants to put the Intelligence Unit in place. Johnson noted that even though interviews for the Intelligence Unit were conducted over four months ago, Clark never made a decision to select somebody for that unit which Johnson believes is critical to safety and preventing contraband from coming into the facility.

Johnson reviewed the on-the-job training provided to recent graduates of the academy. Under the program, new recruits receive one week of experience on the shift to which they will

be assigned, followed by one week on a shift that they could be forced to work other than the floor to which they will be regularly assigned, and then an additional one week to the floor to which they will be ultimately assigned. Johnson believes that more training on the shift that the person is going to would be helpful to the training process to help the new recruits get acclimated to their actual job duties on the floor to which they will be assigned.

In the past, persons going through the Field Training Officer Program have been passed through the system despite their FTO concluding that the person was not ready.

Johnson also noted an instance where an officer named [REDACTED] failed firearms and was not deemed suitable or qualified for a corrections officer position but nevertheless was employed. After being employed, this officer was observed on one of the cameras masturbating in a car. He also fell asleep while overseeing an inmate at the hospital.

There have been other instances where corrections officers have done things suggesting they were not appropriate for a corrections officer position such as Officer [REDACTED] who was bringing in outside food for the inmates. She also had moved an inmate, [REDACTED], out of the secured area to a place where there were no cameras. Allegedly, the inmate gave the corrections officer a foot massage. When the sergeant reported these incidents to Deputy Director Martin Baker, Baker responded, "Stop your witch hunt, we're going to keep her."

Finally, Johnson noted that during the COVID pandemic no in-services were provided to the corrections officers. He also mentioned that a Maj. Ashby had been terminated and although other reasons were cited, Johnson believes he was terminated for voicing concerns about the critical staffing needs at the jail facility.

### **Tracy Dotson – Former FOP President**

In 1999, Dotson worked for the Kentucky state prison system at the Kentucky State Reformatory. In 2000, he was hired by LMDC. Initially, he was assigned to Floor Security, then the Booking Floor and later the Community Corrections Center. The current Director Jerry Collins was his field training officer when he was hired. He currently is assigned to the LMDC Training Academy. He believes the Training Academy is the greatest job at LMDC.

Dotson also worked in the main control room for a period of time. From 2010 to 2011, he worked at the Community Corrections Center. He believes the Community Corrections Center should be reopened. It provided a work-release program for inmates. The closing of it

created problems such as dramatically increasing the number of people released on the Home Incarceration Program (HIP). Despite the number of persons released on HIP, the staffing level for the HIP unit was not increased.

From 2012 to 2019, Dotson was the FOP president. At the same time, Daniel Johnson, the current president, was the head union rep. Dotson has been a longtime union member and was a part of the Teamsters Union.

Dotson has worked for the following directors: Horton, Campbell, Bolton, Clark and now Collins. He described Bolton as an egomaniac. He did not seem to be concerned about the jail but how he looked.

He described Clark as a nice guy but couldn't control his subordinates.

Dotson stated that he had "bad blood" between himself and former Major Ashby. Dotson claimed that Ashby harassed his wife. He believed that Ashby, who served as a major under Clark tried to diminish Dotson's value.

Dotson believes that he has been a target of LMDC management for some years. He noted that former Director Bolton tried to fire Dotson. This resulted when Bolton instructed him to do something and Dotson responded, "You're not in charge of me." This dispute revolved around whether Bolton could override a decision Dotson made as president of the FOP.

When Dotson was president, there were occasions when a sergeant would order an officer to do something the officer believed was in violation of the FOP contract. Dotson would call the sergeant and tell the sergeant that what he asked the officer to do was a violation of the contract. Dotson would then go above the sergeant and call the major and get the sergeant's order retracted.

Dotson is currently the immediate past president and still serves on the FOP executive board.

In October of 2018, Dotson put in a bid for a job at the Training Academy and was selected. He believes that selection for a position at the Training Academy is not based on seniority.

Dotson noted that he has been a long-term union official and doesn't believe that the positions that are bidded and seniority-based should be changed or eliminated. He did admit that the current contract can be frustrating for directors.

The FOP contract is negotiated periodically with Metro Louisville Government, Human Resources along with input from the director who usually sends a designee to the negotiations.

Dotson noted that there was a significant amount of forced overtime at LMDC. If an officer is forced to work in an area different than their bidded assignment, then that officer receives double time plus eight hours of vacation pay. Any overtime beyond one hour is paid at the double time rate.

Dotson believes that the current staff at the Training Academy is a good team.

Dotson has heard complaints from “old timers” who have stated the quality of people coming out of the academy is not of the same caliber as in the past. Dotson stated that the current academy is not a “weed them out” mentality. Currently, if the Human Resources approves the hire, then they try to push the individual through the academy. Under Director Clark and his administration, they were told it’s not your job to weed people out, just train them.

He believes the hiring process should be revised to include training personnel in the process. He believes that the training staff is most capable of assessing who would be good candidates for the job. Currently, no one goes to the house of an applicant to speak with the applicant and their family members to assess whether the job would be compatible with the family’s situation. Only basic background checks such as record checks through NCIC are conducted. He does not believe that they are doing enough to assess potential candidates.

Dotson noted that recently they had a recruit who was pregnant and did not do any of the physical aspects of the Training Academy yet. The administration has not given any guidance as to whether this person should graduate despite not participating in the physical activities. Again, Dotson noted that the Training Academy has no input on selection of recruits, no input whether a recruit is qualified to be a corrections officer.

Dotson stated that he and academy members used to be involved in the recruiting process. The training staff used to help with going to job fairs. They also used to help with the physical ability tests given to potential recruits. This is no longer happening.

Dotson also mentioned that recently a recruit would frequently come to class smelling of marijuana, but they were unable to dismiss her from the class.

Dotson believes the current training curriculum is satisfactory.

A criticism of the current training program is that a new class will start and then two weeks later two new recruits will start the class. Those recruits do not have the benefit of the

early two weeks of training which could benefit them in the understanding of the classes going forward. Dotson noted that they have been graduating people who haven't done all the classes.

Previously, Training Academy staff used to get training called, "Train the Trainer," and "Talk Backs Training." Training was beneficial for new instructors but is not currently being conducted.

Concerning the recent sexual harassment training, Dotson stated that it was uncomfortable training. He noted the person from the County Attorney's Office was just there to read a PowerPoint and not conducive to interactions with the class. There was a glib question asked during Dotson's participation, "Do we have to send you an email if we have sex?"

Dotson agreed that sexual harassment is a problem at the LMDC. He noted that there is a lot of "friendly banter" among corrections officers that some may perceive as sexual harassment. He also stated that often female officers try to fit in as one of the guys.

Wanice Tunstull currently does the recruit harassment training at the academy.

He described current Director Collins as being "great." He stated that his selection as director was the greatest thing that has happened at LMDC. He believes that both Deputy Director Heacock and Major Bisson are great in their positions.

Dotson provided his assessment of some of the other people in the executive management staff. Regarding Human Resources Director Wanice Tunstull, he noted that she "can't give an answer on what to do with a pregnant woman in the Training Academy." Also, she was unable to help them with how to deal with recruits coming in late to class. Dotson also noted that she is in charge of recruiting but that there had been virtually no official recruiting during the last three to five years. She received a \$36,000 salary increase under former Director Clark.

He stated that he believes Mariya Leyderman is over her head and lacks the knowledge of how to manage people.

The greatest improvement in the recruiting efforts was the efforts by FOP President Daniel Johnson to get bonuses for recruiting and establishment of the Lateral Transfer Program. Regarding Mané Martirosyan, Dotson has noted that staff with 15 to 20 years of experience want to quit because of the way she supervises. Martirosyan is the executive administrator of the Civilian Division.

Dotson believes that trying to obtain KLEC Certification for corrections officers is a good idea. He stated that it would help boost morale and recruiting. The benefit would be that

they would obtain additional money and could be decertified if they do something inappropriate on the job. If the KLEC Certification Program were to be implemented, the Training Academy would hire two KLEC instructors and approximately eight weeks of training would be added to the academy.

Dotson stated that he is good friends with someone at Metro Council. He stated that when he needed help with FOP matters, he could call them about the matter. He also noted that he has called this person in the past regarding personal issues.

At one point during the interview, Dotson stated, “I guess you’ve heard I’m brash and say what I want to say.” Dotson went on to say that at the end of the Training Academy he believes the class thinks he is the best instructor. He noted that there have been Professional Standards Unit investigations of him, but they have been dismissed. A recent sexual harassment case that was prevalent in the local media was settled by the Metro Government for \$60,000. The media portrayed Dotson as being the reason the Metro Government paid that amount, but Dotson stated that the reason it was paid out was due to actions by the victim’s lieutenant and not Dotson.<sup>114</sup>

## **Training**

### **Gene Llaguno – Captain**

Llaguno has worked for LMDC for 17 years. He has had various assignments to include floor security, security at the Community Corrections Center, security specialist, and a SORT Team member. Llaguno is currently a captain in charge of the LMDC Training Academy. He was transferred to the Training Academy in November of 2021.

One of the first projects he undertook after becoming captain of the Training Academy was the development of an Excel spreadsheet into which all training is recorded. This Excel spreadsheet captures the training taken by new recruits as well as officers attending in-service training and training received from outside entities. Llaguno personally manually enters this information. He said that there is a system called CrimCast which is a database operated by the Kentucky State Department of Corrections. Although training information is inputted into this

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<sup>114</sup> <https://www.courier-journal.com/story/news/politics/metro-government/2022/02/24/louisville-metro-corrections-officer-sex-request-lawsuit-settled-tracy-dotson/6927144001/>; See also, Emily Nichols v. Louisville Metro Department of Corrections, Jefferson Circuit Court, 19-CI-003542. Review of the case file and interview with the plaintiff’s attorney failed to confirm this statement.

database, Llaguno determined that sometimes CrimCast does not properly maintain these records; therefore, Llaguno decided to establish his own database using an Excel spreadsheet.

Currently, there is not a system in place which alerts individual officers, their supervisors, or the Training Academy when somebody is out of certification for training such as First Aid, CPR, or other required training. Llaguno demonstrated this database and the information contained within it.

Capt. Montgomery was in charge of training prior to Llaguno arriving. During the COVID pandemic, all training stopped. There were some new recruit classes that were conducted during the COVID pandemic, but all in-service training ceased.

Although new recruits graduating from the academy during COVID were trained at the academy on the importance of checking inside of cells and interacting with inmates, this “basic corrections security protocol” ceased during COVID. During COVID, officers would not go into dorms or engage with inmates one on one. This was a directive of the executive management. Not only did the new recruits not perform the necessary security measures which they were trained at the academy to do but all corrections officers stopped doing in-cell inspections, hands on with the inmates and in-person communications with the inmates. Llaguno believes that this mindset has continued post-COVID and is attributable to some of the problems currently at the jail facility.

Llaguno noted that when he was a security specialist, he would go into the cells to engage in conversations with the inmates and thoroughly inspect the cells and dorm rooms. During his tenure as security specialist while conducting in-cell inspections, he uncovered three instances when inmates had removed the mortar from bricks and had removed the bricks in their jail cell. The bricks were occluded from observation because of pictures hung on the wall (a violation of jail regulations) or stacked magazines up to occlude observation (also a violation). On one occasion, an inmate had removed the brick and replaced it with toilet paper which was made to look like a brick. On three other instances, he found inmates had started to chip away at the mortar. Llaguno stated these are examples of the need to do in-cell inspections and issues that the floor security should have discovered.

Llaguno also stated that there were instances when he determined that the locks on cell doors were not functioning properly. In many instances, this was due to inmates stuffing toilet paper or other products into the locking mechanism preventing it from fully locking a door.

Llaguno stated that these security breaches should have been discovered by floor officers but that floor officers and sometimes their sergeants had become lackadaisical which was fostered by and exacerbated by the hands-off approach during 2019 and 2020 due to COVID. Once again, despite the training that recruits were provided about security protocols and existing officers having been trained in the past, both new officers and old officers got into the mentality during COVID and post-COVID to not do basic corrections security work or “Corrections 101.” Not going into the cells on a regular basis is an extremely bad habit.

Llaguno believes that many of the problems happening at the jail such as overdoses, and suicide could be curtailed if officers went back to “Corrections 101” and basic security protocol. For this to happen, there needs to be leadership from above emphasizing the importance of basic security measures and holding officers and their supervisors accountable when this does not occur. Even pre-COVID, Llaguno saw that there was less of an emphasis on the basic security protocol and floor officers became reliant upon the security specialists to discover potential security issues. It used to be that a floor sergeant would “grab corrections officers to do in-cell inspections.” Oftentimes, this was done at the beginning of the shifts.

Llaguno stated that “security is the number one” priority in a jail facility. He stated that adherence to “basic security” will take care of everything else. When he was a lieutenant, he strictly enforced the rules pertaining to jail and dorm rooms such as no tents covering inmates. This is an important rule to prevent inmates from hiding behind these tents and doing things that are prohibited to include the use of contraband. Again, these basic security measures would also preclude or deter inmates from trying to remove bricks in jail cells. Recently, Llaguno has implemented training for new sergeants at the Training Academy during which he emphasizes the importance of basic security measures and the need for sergeants to hold their subordinates accountable for failure to conduct basic security measures.

Llaguno stated that the top three things that he would recommend to help address some of the current issues at the jail are the following:

- 1. Remove people from a position of authority if they do not want to do their job.**

He stated that many supervisors to include sergeants and lieutenants, have become complacent. They are afraid to or refuse to hold their subordinates accountable, which creates many problems. These individuals should step aside if they do not want to do their job as a supervisor. He also noted that at times there

are too many people trying to manage how jail security is conducted. For example, he stated that there were times when the classification people were telling the floor security officers or making directives concerning security especially in the program dorms. He stated that “security is security” no matter if it’s a program dorm, regular dorm, or individual cells.

2. Training – Improve training being provided to everyone to ensure everyone gets “quality training applicable to their current job.” He also recommended that there be “on-shift training.” He believes that if a corrections officer is having a particular problem someone from the Training Academy or experienced FTO should shadow that person to observe how they do their job and provide corrective instruction rather than ignoring that issue and waiting for something bad to happen. If a supervisor sees a corrections officer needing additional training or guidance, the supervisor should report that deficiency.
3. Recruiting – The Recruiting Unit needs to be expanded. One person cannot do adequate recruiting by themselves. There needs to be better communication between the Training Academy and the recruiting personnel. The Training Academy should be advised two to three weeks ahead of a new class who will be attending that class rather than being told a day or two before the class begins. He also recommended that the training staff should be involved in the recruiting process. He believes it would be extremely beneficial for someone from the training staff to meet with potential recruits to explain to them what is expected of them and how to prepare for the academy. He believes that an adequate explanation of what is expected of a corrections officer and what the potential recruit will experience at the academy would reduce the number of people who leave midway through a new recruit class. He also believes that the training staff should be involved in the Physical Ability Test (PAT). This test is conducted as part of the recruiting process. Currently, the recruiting officer, Andrew Young, and the HR Director Wanice Tunstull conduct the PAT tests.

On September 13, 2022, the training staff received the mandatory sexual harassment training. Llaguno stated that much of the information received was “stuff we already knew.” He believes that the location of the training could have been a better learning environment. Also, he

would recommend that persons giving this training should be persons who have the skillset to communicate information and be “a captivating instructor.” He believes that much of this training would have been better provided during in-service training at the academy. At the conclusion of the course, there was no test given.

Llaguno stated that sexual harassment is a problem in the jail facility. He recalled an incident when he was a sergeant where a male officer bent over to kiss a female officer who then filed a complaint.

Much of the sexual harassment emanates from “friendly banter” that officers push too far. “People are not taking cues to stop this behavior.” By this he meant that if an employee initiates some type of sexual banter and the recipient of that indicates that that is unwanted, the person initiating that should stop.

He also believes that the reporting system for sexual harassment matters needs to be revamped. Currently, the reporting process is up the chain of command. He stated that there needs to be a renewed emphasis that if a person is sexually harassed that the victim must immediately report that behavior. Management then needs to take quick action to resolve the matter.

Currently, sexual harassment training or retraining is not a part of ongoing in-service training.

Human Resources Director Wanice Tunstall provides workplace harassment training during which she emphasizes the Metro Government policies. The training staff then provides training on the new LMDC Sexual Harassment Policy.

Llaguno stated that they are short staffed at the Training Academy. He believes that it would be extremely beneficial to divide the Training Academy into two units – one for in-service training headed by a sergeant and one dedicated to new recruit training headed by a sergeant. He believes the Training Academy needs at least two to three more instructors.

Llaguno stated that the current training facility is inadequate. He stated they need a bigger training facility which would have six classrooms and office space for each instructor to have their own office. Currently, some of the training staff share an office and share a desk. The breakroom at the academy is currently used as an office by one of the instructors.

In addition to needing a larger facility and a facility that is more conducive to learning, they also need a dedicated firearms range. Currently, they must find a range somewhere in the

metropolitan area for all firearms training to include new recruit and in-service training. These ranges are maintained by both private entities or other law enforcement facilities such as the Kentucky State Reformatory at La Grange. Currently, new recruits must be transported by vans to these firearms ranges which can take 45 to 60 minutes or more to get there. The firearms range currently operated by LMPD is so busy that it's hard to schedule new recruits for training on the range. It used to be that firearms recertification was an eight-hour training day; however, it has now been reduced to two hours partly because of the lack of an adequate training facility.

Years ago, LMDC shared a training facility with the Jefferson County Police (predecessor to LMPD) which was housed at a training facility called Southfields in Eastern Jefferson County. This training facility included adequate classrooms, a driving track, and a range. Having a dedicated training facility such as that created a learning environment that was conducive to learning.

In addition to needing a new training facility, Llaguno stated that the current jail facility is woefully inadequate. It does not provide appropriate line of sight by which corrections officers can monitor the activities of inmates. This creates safety issues for both inmates as well as security officers.

The current jail design creates significant stress for corrections employees. Being part of the floor security in the jail is the most stressful assignment there is. This creates burnout by employees. A better working environment and better designed jail facility would help to reduce this stress which would improve employee morale, safety for corrections officers and reduce burnout. Currently, the average "burnout" for a corrections officer is approximately three years.

During Director Clark's administration, they adopted a rolling start for recruit training. This rolling start date resulted in new recruits being added to a class two to three weeks after a recruit class had begun. This resulted in some recruits not getting all the required training. It also made it difficult for those recruits added to a class because the first weeks provide a foundation for the training that follows in the weeks ahead. This system was established by the prior administration in an effort to get more bodies hired to deal with the staffing issues. The system created difficulties for recruits added to a class to catch up with the other classmates.

Also, the physical assessment test given at the beginning of the program was deferred for these recruits. Llaguno has convinced management to move away from this process and to establish "hard start dates" for a new class. This greatly assists new recruits in being provided

with the necessary basic training to excel in the training that follows in the weeks ahead during a recruit class. The rolling system also made it difficult to schedule outside instructors. Llaguno hopes that returning to “hard start dates” will benefit the recruits and help the Training Academy schedule its staff as well as outside instructors.

Similarly, Llaguno is attempting to encourage the recruiting personnel to provide the Training Unit with the names of recruits scheduled to attend the upcoming at least 2 – 3 weeks in advance. This has not been done in the past few years and it makes it difficult for Training to properly prepare for recruit class.

Llaguno recently returned from a three-month maternity leave. During his time away, one of his better instructors, Brandon Bolton, left LMDC for a job with the Shively Police Department because of the better pay and better working environment. They have added a new instructor who appears to be motivated. He believes the current teaching staff is composed of good instructors. Some of the instructors are relatively new and still learning how to become better instructors.

He has attempted to manipulate the training schedule so that there are time periods when the staff do not have responsibilities for a recruit class and in-service training. These are times when there are not any classes at the academy to allow the academy staff to “reset” so that they can develop lesson plans, curriculum, and discuss how to improve the academy.

One area that has languished at the academy pertains to training the instructors at the academy. He is trying to renew an emphasis on the importance of instructor training to include reestablishing the “Train the Trainer” program whereby instructors are given instruction on how to become better instructors.

One of his instructors is a very good instructor but sometimes can be a challenge to manage. For instance, Llaguno has implemented a requirement that all training instructors teach their classes with the academy uniform which consists of a polo shirt with the Corrections emblem and the instructor’s name embroidered on it along with khaki pants and boots. All the instructors complied with this request, however, Llaguno had to tell one officer on numerous occasions that he needed to comply. Finally, Llaguno told this officer it was mandatory that he comply with that request and seems now to have complied with this request.

He also noted that upon his return from maternity leave it seemed like this officer had developed a better attitude and was easier to manage. Llaguno also noted that it’s his opinion

that the officer has difficulty with authority. He has told many people, “I know people up there,” referencing being friends with persons in Metro Council.

In addition to the new sergeant’s training that he has reimplemented, he believes there should be similar training given to lieutenants and captains when they are promoted.

During recent recruit classes, Llaguno has been an instructor for different courses. During his time with the new recruits, he has emphasized the importance of “Corrections 101” and the importance of accountability. He has cautioned the recruits that what they are taught at the academy should carry forward with them during their career at the jail, but warns them that when they get to the jail they may see persons not being held accountable or doing what they were trained to do. He has had new recruits come back to the academy for in-service and tell him that he was correct that there is a lack of accountability at the jail. Llaguno believes that it is so important to reestablish the importance of basic security measures at the jail. He again noted that there has developed a lack of complacency that he believes contributes to some of the issues at the jail.

As a lieutenant, he was a security specialist. In this capacity, he would conduct an inspection of the entire facility. He would walk every floor to discern whether security protocols were being followed. If he saw a problem, he would report it to the senior staff – chief, assistant director.

When he observed something that needed to be repaired, he would contact the Maintenance Department directly. If he observed an issue with an officer, he would report that to the shift captain. He noted that during his tenure as a security specialist, he encountered dorm cell doors that were not locking but the corrections officers had not noticed that. These security failures could be corrected by the corrections officers doing their jobs of testing the doors. Simply pushing the door shut and assuming that it is locking is insufficient.

Sergeants must hold people accountable. They must encourage in-cell inspections. They should also enforce the post orders and rules such as no pictures on the walls. Pictures on the walls can cover the inmate’s attempts to pry out bricks or do other things impacting security. Some of the general inmate rules have been neglected such as requiring inmates to wear their jumpsuits. There seems to be fear of enforcing these rules for fear of repercussions. Although mandating that the inmates wear their jumpsuits as required may seem somewhat insignificant, not doing so conveys to the inmates that they are in charge rather than the security personnel.

The current overcrowding at the jail contributes to many of the problems occurring. The dorm rooms are built to hold 24 persons but, on many occasions, there are almost twice that number housed in dorm rooms. That results in inmates sleeping on the floor in “boats” or on mattresses laid on the floor. This contributes to officers not doing proper in-cell inspections and the overcrowding increases safety issues in the minds of the corrections officers.

Llaguno stated that they had fewer problems in the jail when the dorms were held to a maximum of 24 inmates. 24 inmates in a dorm are manageable whereas having 35 to 40 inmates makes it difficult. Based upon his experience, Llaguno stated that fighting and use-of-force incidents have increased dramatically due to overcrowding.

He also experienced a 75 percent improvement of inmate behavior and less need to use force when the jail rules were strictly followed. He noted that as a sergeant he would conduct “walk and talks” when he would take four officers into cells to conduct inspections and interact with the inmates. This reinforced with the inmates the need to comply with the rules which reduced fights among inmates as well as assaults against corrections officers.

Reducing the number of inmates in dorms also would help reduce drugs getting into the facility because it enables corrections officers to do a better inspection of the jail cells. Again, he believes that overcrowding contributes to fights in the jail facility. He also again reiterated that the current facility is constructed in such a fashion that it makes it difficult for corrections officers to monitor what inmates are doing. Under a jail design referred to as podular, corrections staff are in the center of the jail cells and the cells circle the pod. This enables the corrections officers to monitor all jail cells directly from the pod in the middle of the floor.

In terms of attracting more corrections officers, Llaguno again emphasized the need to include increasing the recruiting staff, having the training staff involved in the recruiting process, and looking at increasing the pay for corrections officers. He noted that Amazon and UPS currently start employees at \$20 to \$21 an hour; Chick-fil-A pays \$17 per hour. Working at those entities does not involve safety risks as those encountered by the corrections officers. He believes that increasing the starting pay would help attract new employees.

He also believes that a sergeant’s pay should be more than a tenured officer. This would be an incentive for corrections officers to be promoted.

Llaguno continues to work some shifts at the jail. He believes this is important so that he can see what is occurring at the jail and use that knowledge to refine the training protocol for

new recruits as well as in-service instructions. He has noticed a lack of cohesiveness among the corrections officers as well as the persons holding rank. There seems to be a lot of animosity.

He sees a continued lack of accountability. Not only is there a lack of accountability for the corrections officers, but he also sees a lack of accountability for the sergeants and lieutenants. He noted that when a corrections officer does something wrong, the investigation about that situation should include whether that person's sergeant or lieutenant knew of the underlying problems with that officer but did nothing about it. It seems that often the corrections officer is the only one held responsible for an incident when it may also be attributable to a lack of supervision or failure of a supervisor to hold that person accountable and obtain remedial training for them.

Llaguno believes that Director Collins is doing a good job. He has seen an improvement within the jail as well as an improvement in morale. However, due to the many issues that Director Collins inherited, it appears to be a difficult task for the new director to focus on all the other issues within LMDC when there is such a focus on deaths within the facility and contraband getting into the facility.

During the May 20, 2022, visit to the Training Academy, Capt. Llaguno afforded an opportunity to review some of the teaching by the instructors. During the review of one of the courses being taught, instructor made an offhanded remark to the new recruits and stated, "Welcome to being a peon." He then went on to reference Capt. Llaguno as being a "computer woke" and "better than us peons."

Llaguno provided a copy of the curriculum and schedule for the most recent recruit class.

One of the people added to the executive staff by Director Collins was psychologist, Dr. Mariya Leyderman. Llaguno stated she does a great job in the courses that she teaches but noted that she is extremely busy.

He also would like to implement a program by which the training staff goes to the jail as a team to help relieve corrections officers periodically. The training staff team would go to the jail for six to eight hours to help provide relief to the corrections staff. The benefit of doing this would not only help the on-duty staff but it would also enable the training staff to stay in contact with the jail and current issues within the jail which in turn would help the instructors address some of those issues and stay current with issues within the jail. Llaguno provided a copy of the curriculum and schedule for the most recent recruit class.

## **Nick Angelini**

Angelini has worked for LMDC for 19 and a half years. He began his career with LMDC in 2003. Prior to that, he worked for Altec Aluminum as a mechanical engineer. Angelini's dad worked at Corrections for 17 years and encouraged his son to join LMDC.

During his employment at LMDC, Angelini has worked for six different directors including Horton, DeTella, Campbell, Bolton, Clark, and Collins. He gave a brief outline of his experiences with each director. He stated Horton emphasized the employees and he was very employee oriented. DeTella had the mindset that, "This is my house and you're going to do what we tell you to do." He put significant emphasis on security. He brought in former Director Clark as his chief of staff. Angelini stated that Campbell was 180 degrees different than DeTella. Campbell was very program oriented and emphasized the reintegration of inmates into the community. Security appeared to be secondary. Clark was his chief of staff. With regard to Director Bolton, Angelini was of the opinion that he did some good things and knew what he was doing. He, too, let inmates know, "This is our house." He worked on some new innovations and established programs with the help of Mané Martirosyan. Under Bolton, LMDC gained PREA compliance.

Angelini stated that his opinion of Clark in 2004 was, "I absolutely loved him." However, the Clark as director in 2021, "I didn't care for him." He believed Clark was a better number two than number one. It was his observation that something happened to Clark that he lost touch with the employees and the operation of the Corrections facility. He believed that if Clark had left five years earlier and not come back, he would have left with a great legacy. Angelini stated that Clark's wife developed health issues and her later death seemed to impact Clark's mental health.

Angelini worked with Clark's deputy director, Martin Baker, throughout Baker's career at LMDC to include when Baker was an officer, sergeant, lieutenant, and captain. In those roles, he seemed to be security minded and worked well with employees. When he was promoted to chief of staff, the promotion seemed "to go to his head." He completely "flopped", and it seemed that the power got to him.

In recent years, there seems to be an increase division between civilian staff and corrections officers. The operation of the jail seems to be run more like a hospital than a jail. He

stated that it seems like the management lost sight of the fact that security is one of the primary roles of a jail. Under the Clark administration, discipline seemed inconsistent where one person would get a pass and another person be disciplined. There continues to be inconsistencies in how discipline is meted out. In addition, when administration attempts to discipline someone, employees will refer back to decisions made under the Clark administration which diminishes the current management's ability to discipline people. Currently, there is no disciplinary matrix – meaning, “If you do this, your punishment will be that.” He believes that a disciplinary matrix would be very beneficial for the organization so that people would know the consequences of their actions.

In 2004, a Critical Incident Team (CIT) was formed at LMDC. Angelini moved up through the ranks and ultimately became head of the CIT team. CIT operated as an unofficial peer support group.

During his career, Angelini has served on the FOP union board, been a PREA coordinator and commander of the Peer Support group. His different roles throughout his career have given him the opportunity to see different aspects of LMDC.

Under Director Clark, LMDC started to develop a Peer Support Program. It was finally made official as an entity within LMDC last year.

Recently, Angelini was asked his opinion about how things were going at LMDC. He provided his honest opinion about his observations. Some of his observations also included observations of one of the executive staff members, Dr. Mariya Leyderman. He informed Col. Heacock that in his opinion Dr. Leyderman was an excellent addition to the management team but that she “has so much on her plate.” When she was hired, it was stated she was primarily coming in to help to develop a peer support program but now her emphasis seems to be on the “at-risk inmate population.” The next day after his discussion with Col. Heacock he was called into Leyderman's office and informed that rather than Angelini being the commander of the Peer Support Group he was going to be the co-commander.

Regarding the Peer Support Program, Angelini told Heacock that the program could be further long. Angelini had hoped that would put him in as commander over the Peer Support Program in his rank of captain. He currently is an operations captain. If management had moved him to commander of the Peer Support Program, it would require LMDC to create another captain's position. When Director Collins took over, it was announced that he and his

management staff would focus on morale and employee support. It was his understanding that Dr. Leyderman's emphasis would be on employee/peer support.

Angelini believes that peer support is critical to the operation of an entity such as LMDC. Employee wellness, which includes physical and mental health, is of paramount importance to the vitality of an institution like LMDC. He had hoped that as commander of the Peer Support team he could help focus the program on the physical and mental health of employees, provide training for staff and family members in how to deal with job stress and develop a recognition program whereby employees who do a good job are recognized. He referenced a program from a Denver jail where part of the command staff runs the Peer Support Program. Again, Angelini hoped that they would create a captain's position in charge of the Peer Support Program.

In addition to his discussion with Col. Heacock about peer support matters, he also told him that it seemed the current focus is on the K-9 Unit, Professional Standards Unit and the Intel Unit which is operated out of PSU. He told Heacock that creating these entities while staffing issues still exist creates additional workload for the basic security of the institution and the security staff. He noted that, "The staff is still wore out from the past three years."

With the staffing of the Intel Unit, the floor security receives calls about potential contraband in dorms or cells which requires them to respond to attempt to locate the contraband in the cells which requires security officers from other floors to come to assist thereby neglecting their security roles on their floor assignments. Overall, he believes Col. Heacock is doing a "fine job as number two in command."

Angelini believes that there is an appearance that the LMDC FOP is running the department. He encouraged Heacock to ensure there is a distance between the FOP and jail management. Angelini said, "He recognized that the FOP played a big role in Director Collins getting his job."

Currently, there are three shift captains who command one of the three shifts at LMDC. He believes that a model that would shift the captains to oversight of programs rather than shifts would create continuity in operations throughout the facility. For example, under the current system, one of the shift commanders such as the third shift commander may tell the corrections officers to emphasize one priority and then the next shift commander (first shift) would instruct his personnel that something else is a priority. This creates inconsistencies in what corrections officers believe they should prioritize and inconsistencies in what rules are emphasized.

Under his proposed concept, there would be a captain over certain things such as maintenance and the gym; another captain responsible for security matters; and another captain responsible for the booking and property areas. Those were just some initial concept ideas that he had. In addition to the three shift captains, there is a captain in charge of training, HIP and administrative matters.

Angelini stated that he has worked with Dr. Leyderman for many years. It's his understanding that she's currently responsible for the mental health of inmates and staff at LMDC. He recalls her developing an "implicit bias" course which was cutting edge and much needed. Some staff feel that she is too busy handling too many things and that her primary role as peer support for the staff is diminished as a result. It was his opinion that there is a lack of "buy in" by many of the corrections officers. Some feel that they cannot speak to her candidly without those discussions being reported to upper management with possible repercussions for the person who confided with her. He also believes that her role needs to be better defined. He noted that Dr. Leyderman is very well educated and overall, a positive asset to LMDC. He stated that her value to the organization is being diminished because of 1) lack of clarity of her role; 2) she is involved in too many projects and has too many responsibilities; 3) although well-educated and an experienced subject matter expert, she lacks experience in supervising people.

Angelini stressed the importance of a robust Peer Support Program. He noted that some employees who incur stressful situations go about their job and are somewhat immune to stress; others call in sick for days or weeks to deal with stress. Rarely do employees seek professional help.

Angelini recommended that someone at LMDC needs to reach out to employees after a critical incident or they've been involved in a stressful situation. The shift supervisors should advise the peer support commander the names of employees affected by a critical incident.

He recalled an incident where a corrections officer responded to a suicide-by-hanging incident in the jail. This officer became noticeably distraught about the situation. After this incident, Angelini learned that this corrections officer's brother had hung himself. The officer's supervisor informed Angelini about this and followed up to ensure that he received the help he needed. That supervisor also told the employee to go home after the incident.

Currently, if an employee is involved in a critical incident, they are generally not asked by a supervisor or anyone else how they are doing. Again, he believes that after a critical

incident a shift commander should contact the Peer Support Program to ensure that all employees involved in the critical incident receive the support they need.

He noted that some critical incident reports may not include all the people involved in the incident. The notification system concerning a critical incident and the interface of the peer support staff needs to be improved. Currently, there is not a policy in place specifying how and when the Peer Support Program is to be engaged following critical incidents. He believes that following a critical incident it should be mandatory that employees go talk to someone like Dr. Leyderman or a well-trained Peer Support member to ensure the stress of the incident is being handled properly. Oftentimes, people “mask” their true feelings about a trauma incident. Throughout a corrections officer’s career, they will deal with inmate deaths and at times the loss of fellow staff members. This takes a toll on corrections officers. Sometimes, the constant stress and involvement in these death situations creates “compassion fatigue” whereby an officer loses their compassion for stress that one might be undergoing.

He also recommended that after a critical incident those directly involved should be sent home. Unfortunately, due to staffing issues, that may not be feasible. Nevertheless, Peer Support members should be assigned to each person involved in a critical incident.

One concept that he urged be developed at LMDC would require all involved in a traumatic incident or critical incident be immediately debriefed after the incident whereby management would inform all involved of their options in terms of peer support and mental health assistance. Previously, LMDC had a similar system whereby commanders would come in after a critical incident and interact with those involved and tell them that they “did a good job.”

They also used to have a second debriefing which included mental health experts without command staff. This second meeting without the command staff helped employees feel more comfortable opening up about the situation or how they were feeling. Under Director Bolton, he wanted command staff present at both meetings. He believes there should be follow up after an incident. Under the current executive staff, there is an increased positive reinforcement when officers do a good job. He noted that some employees feel that the pendulum has swung too far that the “good job emails” that are sent out for matters that may not be perceived as that important which thereby diminishes those “good job emails” for actually important matters.

One of the biggest problems at LMDC is “Security 101 is gone, it’s out the door.” “We had to make a lot of changes during COVID. As a result, “We turned a blind eye to what

inmates are doing.” During COVID, there were many new employees brought onboard. These employees operated under the COVID protocols which de-emphasized security matters and instead emphasized staying away from inmates to reduce the likelihood of contracting COVID.

Post COVID, the employees who operated under the “COVID protocols” have not reverted to basic “Security 101” which emphasizes security and interaction with the inmates. In addition to these new employees not returning to the strict security measures necessary, many “old timers” have become lackadaisical and complacent. He believes there needs to be a culture shift at the jail. Unlike in the past, staff do not talk to inmates and don’t get to know the inmates. When he was brought onboard, he and his peers were trained at the academy in how to interface with inmates. He noted that he personally has not been involved in an altercation in the jail because of his verbal skills and developing rapport with the inmates. He believes that “Corrections 101” is missing because of staffing issues, inadequate training, and inadequate supervision.

Overall, he has observed LMDC management to be very reactive to issues within the jail and not proactive. There seems to be a “firefighter mentality” and a “Band-Aid approach” to problems. There needs to be an outsider view to change how the jail is operated. He believes there is a need for change and progress in the jail.

He noted that many of the directors and corrections officers did not push for significant changes in the way matters are run at LMDC. He stated that over the course of his employment the LMDC budget has for the most part remained the same. He believes the current budget is very similar to the budget in 2003.

Director Bolton was somewhat of a visionary. Under Bolton, Angelini looked at replacing the log sheets with RFID. Bolton asked Angelini to research the cost of implementing such a system. At the time, the cost for implementing the RFID system throughout the entire jail was approximately \$15,000. Subsequently, he provided updated quotes to Bolton. Bolton did not want any improvements to impact the budget.

Currently, there are seven control rooms in the jail facility. Two of the control rooms – the exterior control room and the main control room – are bid positions. That means that the person with the most seniority will fill an opening in these control rooms. The remaining control rooms on floors 2, 3 and 4 in the main jail and 5 and 6 in the Hall of Justice are manned by security officers from each floor. He described these control room jobs as “good for a break” for

the officers working security on the floor. This removes them from the stressful interactions with inmates on the floor. He does not believe that long shifts in the control room such as 16-hour shifts are good. He believes that long shifts in the control room such as 12- and 16-hour shifts are adverse to a person's mental health.

Prior to Director Collins taking over, there were plastic sheets draped over the windows of the control rooms. This was done to prevent inmates from looking into the control rooms. Under Director Collins, the plastic sheets have been removed from most of the control windows and instead window tinting has been placed on many of the control room windows.

He noted that four years ago they never worked a shift "short." However, over the past four years, staffing issues have increased. Again, he emphasized the need to focus on "Corrections 101" or "Security 101" meaning an emphasis on ensuring the security of the facility and going into cells and dorms to interface with the inmates. He also recommended that greater emphasis be placed on using people for their "strong points." For example, there may be some who are somewhat "poor security officers" but have a good skillset for searching dorms and cells. Management should recognize the unique qualities of each employee and try to use their best skillset in a way beneficial to the facility.

### **William Ashby – W102**

Ashby was hired by LMDC in 1995. He retired in 2014. In 2015, he was rehired in a civilian capacity. His principal responsibility at that time was to watch use-of-force videos and make clips of the videos for PSU and court matters. In this position, he had little rank or authority.

Ashby stated that former Director Dwayne Clark was the number two person in Corrections under former Directors Bolton, Campbell, and DeTella. Clark was a good number two guy. Ashby has respect for Clark as a person but embarrassed for Clark when he was the director of LMDC. It is his understanding that Clark was fired by the Illinois governor when he worked for the Illinois Department of Corrections.<sup>115</sup> He believes that he lost his pension but later sued the Department of Corrections and won.

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<sup>115</sup> A Freedom of Information Act request to the Illinois Department of Correction (IDOC) resulted in a Personnel/Position Action Form dated 9/9/03 being provided. This form pertains to Dwayne Clark's departure from IDOC. The form states "Termination Non-Certified." IDOC HR personnel advised that it is the standard procedure

He described Clark as a very private person. Clark hated the media. Clark never finished his college work to get a degree. Clark had no business being number one. He was way over his head. There were times when Ashby would go to former Director Bolton and say that Clark was making a bad decision. In late 2018 or 2019, Ashby went to Director Bolton and said he needed to get rid of Clark. Ashby stated that Clark had fallen asleep during interviews. However, Bolton was a great promoter of Clark in public.

When Clark retired, there were discussions to promote Martin Baker to deputy director. Bolton refused to promote Baker. When Bolton was talking about retiring, he and Ashby had discussions of who might be best to replace him. The two choices discussed were Steve Durham and Eric Troutman. They believed that Durham, who was an attorney and had worked for the County Attorney's Office had no corrections experience probably would not be a good fit. Troutman, on the other hand, had been a corrections officer and union official who also had a college degree.

In 2010, Eric Troutman became the policy director. The former policy director, Kathy Bingham, was promoted to deputy director creating a vacancy. After talking to Bolton, they decided to promote Troutman to the policy director.

When Bingham retired, Troutman was promoted to deputy director. Prior to this promotion, he had never held a rank position and had only supervised two people in the past. In 2013/2014 when Troutman was promoted to deputy director, he was put in charge of finance and budget classifications.

When Bolton retired, Troutman was put in as the acting director. Before Bolton retired, there were discussions about what to do with Martin Baker. He was perceived as a hothead who doesn't like women and had two "baby mamas" in jail. Troutman and Bolton wanted to make Ashby chief of staff.

Ashby believes that an officer at the Training Academy got fired in 2001 but was hired back in 2004. He was then fired in 2006 or 2007 for his use of force but got his job back through

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for IDOC to complete a "Personnel/Position Action" form when an employee leaves IDOC. In section 7 on this form, there is a box captioned "Transaction Name" (reason for leaving IDOC) followed by a box captioned "Trans Code" (standard list of possible reasons). It is the usual procedure to report in the Transaction Name box "Separation – Retirement" followed by Trans Code "BA-120" when someone retires from IDOC. If a person does not retire but is terminated from their position, the Transaction Name will be listed as "Termination- Non-Certified" Trans Code "BA-125." See Exhibit 5.

arbitration. In 2019, this same officer was caught berating an African American recruit. This occurred in front of HR Director Wanice Tunstall. She reported it to Deputy Director Baker. Director Clark then decided to remove the officer from the academy because of this incident. The decision was overturned, and the officer returned to the Training Academy.

In approximately 2016, Ashby's former girlfriend who is the wife of another officer called him to state that this officer had cheated on her with a girl named [REDACTED] who was the wife of the officer's best friend. The officer's wife called Ashby to see if she could come talk to him about the situation. According to Ashby, everyone knew the officer was having a relationship. At this time, [REDACTED] wife came over to Ashby's house to cry. A couple of days later, she called and wanted to vent more to him and [REDACTED]." Following this incident, [REDACTED] wife told the officer that, "I had sex with Ashby." This created some friction between the two of them.

Ashby also provided additional information about a 2016 Derby related to the above the above interpersonal friction that is omitted due to its salacious nature, but the relationship had an adverse impact on Ashby being able to objectively impart discipline to the officer involved.<sup>116</sup>

About a week later, Clark and Baker called Ashby into their office to ask him about an incident in the parking lot of the Training Academy with [REDACTED] wife. An investigation was initiated by the LMDC Internal Affairs into this meeting. During the course of this investigation Ashby was accused of harassing the wife.

Ashby related a matter involving the former FOP President. In 2016, Martin Baker along with others to include Collins were going to union officials to encourage Dotson be removed as president because of some of his actions. The FOP President learned that Ashby was going to meet with the three other LMDC employees to go to union officials to discuss the matter. The President then went to the union board to say the three were "going to attack him."

Ashby went onto say that the FOP president has let it be known that he is good friends with public officials. At one point in time when management attempted to remove him from the Training Academy, he contacted a public official and said that he was being harassed by Ashby. This person then allegedly sent an email to Public Safety Chief Amy Hess that stated, "Who's

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<sup>116</sup> This is another example of interpersonal relationships at LMDC that have resulted in the inability of supervisory personnel to objectively supervise subordinates and impart discipline when necessary. This also exacerbates the accountability issues observed during the investigation. Moreover, it's another illustration of interpersonal relationships that can devolve into sexual harassment allegations.

running the jail, Ashby or Clark?” Ashby also said that Dotson allegedly claimed that depending on who becomes mayor, he would likely “become a major,” at LMDC.

Ashby stated that Former Director Bolton did not want to deal with Dotson. Ashby claimed that Bolton entered into an agreement with Dotson that Bolton would transfer Dotson to the Training Academy if Dotson would resign as FOP president.

Shortly thereafter, Daniel Johnson was put in as president of the FOP. Ashby stated that Johnson has said that Dotson is a “snake” and remains embedded in union activities and that Dotson does not want to go back to working at the jail.

There are times when the FOP president such as Johnson agrees with a decision of management, but they will nevertheless engage in a fight with the Corrections management.

Under the FOP contract, people with the most time at LMDC get the job that they want. The union seems to do anything that their membership wants them to do. However, most employees don’t care about or want an FOP. Most people want to go to their job, work and then go home. It seems that the FOP has created an us-versus-them mentality. There’s a mindset that no union is going to support management.

When former Director Bolton left, there were discussions about promoting Ashby to chief of staff. The then Chief of Staff Troutman was put in as the acting director. Ashby believed that if Troutman was put in as the permanent director that Ashby would be promoted to chief of staff.

Ultimately, Dwayne Clark was put in as director. It was a surprise to many people when this occurred. After Clark came in as the director, Martin Baker was promoted to deputy director. Ashby noted that there was hostility between Baker and Ashby. Ashby was the major over jail operations.

After becoming deputy director, Baker would get involved in things that were “messed up” and Ashby would get into arguments with Baker about how to deal with those situations. Ashby was promoted to major at about the same time as current Director Collins was promoted to major in charge of Support Operations.

When COVID hit, Ashby had symptoms and was told to stay home for 14 days. During this time, Lt. Angelini was running operations. Throughout the COVID pandemic, there were “a thousand moving parts” and nothing was put in writing.

In March of 2020, Ashby suggested that Maj. Collins be put in as the Operations manager and Ashby take over the Support position with Lt. Angelini under him.

As the Support major, Ashby no longer had any decision-making power. He felt that he was a “highly paid quartermaster.”

During the COVID scare, then Director Clark was very “scared” of contracting the illness since he had many of the underlying risks for contracting COVID such as diabetes, his age and weight. At one point in time, Clark contemplated not going to the jail facility.

Throughout COVID, there were two to three-hour meetings concerning COVID involving the executive staff, Maj. Collins and Ashby, the director of Nursing, Healthcare administrator, the HR director, and the Classification manager. They maintained a dry-erase board with the number of inmates and staff who had contracted COVID. There were no records taken at these meetings.

The solution that Clark implemented was that there would be no visitors to the jail, no gym or recreation time, no fingernail cutting which previously occurred in the jail gymnasium, no religious ceremonies, and no special meetings such as AA, Anger Management, GED or other rehabilitation programs. In essence, it was a permanent lockdown of the facility.

From March of 2020 through September of 2021, the family of inmates were not allowed to visit. Clark seemed to refuse to find alternative ways for inmates to visit with their families. During COVID, inmates were required to stay in their dorms 24 hours a day, 7 days a week. Again, they were not allowed to use the gym. The gym was closed for fear of others contracting COVID and the lack of staff to supervise the inmates in the gym. During COVID, Director Clark never went into the jail. When it was learned that vaccines were available, they implemented a program to vaccinate inmates and staff. They did this in the recreation area. During this time, there were occasions when only one corrections officer was on the floor when normally three are required.

The jail facility itself is very antiquated and not conducive to proper oversight of the inmates. Part of the jail is a building that was built in the late 1960s. This facility is a linear jail. The conversion of the former Metropolitan Sewer District headquarters into a jail facility was a “low-bidder project.” Ashby stated the physical layout is atrocious. There are many, many blind spots, the intercom system does not work and there are locations within the jail where the radios do not work. The cameras at times do not work and are insufficient to view all areas of jail.

A majority of the budget went to paying for overtime rather than providing money to other needed expenditures.

Also, as a result of COVID, the Community Corrections Center was closed. Throughout this period, the attrition rate at Corrections was greater than the number of people being trained at the Training Academy. Ashby attributed part of this problem to Metro Government and the FOP.

Ashby stated that Clark was a “yes man.” At no point during COVID did Clark “hammer” the mayor for help. Ashby told Clark, “You’ve got to call the mayor.” Ashby stated that one solution to the staffing was to get double pay for the employees working overtime.

Instead of Clark calling the mayor, he would call Public Safety Director Matt Golden. If the calls to Golden resulted in a no answer, Ashby would encourage Clark to call the mayor, but Clark refused to do so.

At one point in time, Clark told Ashby that he needed to call all employees who were off on the upcoming weekend to tell them they were going to have to work.

Ashby composed an email advising the employees of this mandate. The employees pushed back and said that they would do so if they were paid double time pay. Then Maj. Collins read this email and said he was okay with it. Throughout the turmoil involving COVID and the lack of staffing, the FOP president was “screaming the loudest.”

This email about working the weekend was sent on Thursday and on Friday the mayor approved the payment of double pay. That weekend, they were only two persons short at the jail when they would usually be down 20 people. Ashby worked the entire weekend. Neither Troutman nor Durham worked that weekend.

Within days of Ashby sending the email regarding the need to work on the upcoming weekend, Clark told Ashby, “We need to talk.” Clark related to Ashby that he’d received a phone call from Public Safety Director Golden who “ripped their ass.”

On the following Tuesday, an email was sent to Ashby saying, “No sending of emails to all personnel without Clark’s approval.” Clark also notified Ashby that, “We are suspending you pending an investigation.”

Director Clark’s day usually would begin at 10 a.m. when he came to work. They would conduct a morning meeting after which Clark would go to lunch for two hours a day. Then in the afternoon, there would be a “COVID meeting” at 1:30 but that meeting was moved to 2 p.m.

to allow Clark to have a longer lunch period. The COVID meetings then were held from 2 p.m. to 4 p.m. Clark would then sit in his office until 4:30 p.m., at which time he would leave.

As noted earlier, Ashby stated that Deputy Director Baker had “two baby mamas” working at the jail. Their names are [REDACTED]. [REDACTED] had put in for a position in Classification. Five people had submitted their application for this position. Baker told the head of civilian staff that “[REDACTED] doesn’t get an interview.” He believes there was some argument between [REDACTED] and [REDACTED].

Much of the culture at LMDC is sexually charged. In 2008, Martin Baker was fired for a physical altercation over a female lieutenant. He was later rehired. Ashby described Baker as “always arrogant.”

In September of 2021, Clark was scheduled to appear before the Metro Council. Collins and Ashby were to go to the meeting in person. The FOP encouraged its members to walk in on the Metro Council meeting. Clark did not want to go to the meeting in person. Ashby told him he needed to attend in person to show support for the employees. Ashby and Collins walked over to the meeting with the employees.

In September of 2021, Maj. Collins was getting ready to become director at the Clarksville, Indiana, Corrections facility. Towards the end of Clark’s tenure, there was a lieutenant at a captain’s meeting that Clark did not attend and the lieutenant and captain “beat up” Ashby over the ongoing problems at the jail.

Ashby noted that all the deaths that started occurring at the jail happened after both Collins and Ashby had left LMDC.

Clark could not make a decision. In 2022 when Collins came in, he took charge of the operations and could make decisions that Clark was unable to make.

While Clark and Baker were in charge of LMDC, the sergeant over maintenance wanted to put window tinting on the windows of the control rooms. He had said that they already had the window tint. They started putting window tint on the windows, but Baker got “mad” at the maintenance sergeant because he had not sought management approval before beginning that process. The idea of putting window tint on the control room windows was in response to Clark complaining about garbage bags covering the windows.

When Bolton was the director, Ashby ran the jail operations. Under Clark, the LMDC staff were “demoralized.”

Ashby stated that Director Collins is a very passionate person. Ashby encouraged him to take the job as director of LMDC. Ashby described Clark as the worst administrator. He further noted that Deputy Chief Baker was a hothead. Ashby believes that there is racial animosity between the blacks and whites employed by LMDC. There seems to be a philosophy of, "We've got to take care of ourselves," meaning that blacks take care of blacks.

Ashby believes the corrections officers are underpaid. He noted that corrections officers are often required to engage in physical combat with the inmates to maintain control of the facility. Ashby equated corrections officers making \$17 an hour to engage in that fight would be like paying Mike Tyson 25 cents to fight. In contrast, however, the fighting arena involving corrections officers is concrete and steel and no boxing ring and corrections officers are faced with people with HIV.

Overall, Ashby stated that the vast majority of LMDC personnel are "great people." He has reviewed body camera footage and seen corrections officers do a great job communicating with the inmates. He went on to say that so many of the employees are "amazing people," however, poor leadership as that under Clark can be demoralizing for the employees. The FOP also has a role in creating an us-versus-them mentality which erodes morale. He stated that the current leadership under Collins is excellent.

He described Director Collins as a person who understands the dynamics inside the jail and the dynamics involving minorities and individuals and the lifestyle of employees. He grew up in the West End and understands not only the employees but the mindset of the inmates. He stated that Collins is embedded in the community, is not an impulsive person and does not carry grudges or seek vendettas against people who have created problems for him.

Ashby provided additional information that was deemed salacious and not relevant to the core issues at LMDC and, therefore, omitted.

#### **Mike Bassi – W104**

Bassi retired from the Washoe County Sheriff's Department in Reno, Nevada. The jail in Reno is a direct supervision jail whereby officers can see all sides of the jail floors. He described the jail as clean and well run. The intake process determines where the inmates are going to be housed. They have an area called the Civil Protection Custody where intoxicated people are

housed and checked on by nurses. These individuals also received pamphlets about addition and numbers to contact to get help.

There are minimal staff assaults which he attributed to the facility itself as well as the tenor set by the sheriff for being professional. The jail has an Inmate Management Unit which consists of 9 to 11 deputies in the unit. They have a computer system called Tiburon. This system captures all information about the inmate. The information is retained forever to assist should the person be reincarcerated. It tracks all the court dates and problems that the inmate may have caused in the past. It contains dates of prior incarceration and the disposition of all charges in the past.

The sheriff set a tone for corrections officers to act professionally. Corrections officers were encouraged to develop rapport with the inmates. The culture set by the sheriff was that the inmates should be treated properly. Yelling or screaming at inmates was discouraged. The sheriff set a culture of being professional and respectful of everyone.

The sheriff's department had two responsibilities. One was the patrol of the Washoe County. They served as the primary law enforcement agency. All graduates of the academy were certified as patrol officers. The corrections officers would work in the jail facility for three years and then could be transferred to street patrol if they preferred to do so. The corrections officers made the same salary as patrol deputies. The starting pay for a deputy is \$75,000. They had state troopers transfer to the corrections facility because of the pay and the respect given the corrections officer. The retirement program is through the county.

Prior to the construction of the direct supervision facility, the Washoe Jail did have problems with deaths and some corruption. The new facility and the culture developed by the sheriff reduced this tremendously.

## **Brandon Bolton – W108**

Bolton attended Sullivan Community College. He was hired by LMDC in March of 2011. When he joined LMDC, it was his intention to ultimately become a police officer. He thought that LMDC would be a good steppingstone for him to transition to being a police officer. Corrections officers must develop the ability to talk to people. As a corrections officer, one improves their verbal communication skills because you must learn to talk to people in the jail to get them to comply with your requests. Bolton's dad worked at the jail for 27 years.

Bolton recently left LMDC to become a police officer with the Shively, Kentucky, Police Department. During his first 12 years at LMDC, he served in a variety of positions. During the first eight to nine years, he was a floor security officer. During his tenure, he was also a member of the SORT team, was a platoon leader on SORT and participated in high-risk transports and various assignments during the riots of 2020.

He worked full-time as an instructor at the Training Academy for two years. Defensive tactics was one of his specialties.

During COVID, an air of leniency developed at the academy in terms of attendance and strict adherence to training protocol. The COVID protocols mandated by LMDC management were very strict. As a result, recruits going through the Training Academy were able to miss classes and there was much more flexibility in terms of arrival to class and missing classes.

Post-COVID, training protocol at the academy has become stricter. The academy used to be nine weeks in length and is now 10 to 11 weeks.

One recent technological advance at the academy was the acquisition of a virtual reality unit. This virtual reality unit permits the recruits to participate in various scenarios that appear to be real life through the virtual reality technology.

Bolton stated that Capt. Llaguno is an excellent leader for the Training Academy. He also described him as an excellent firearms instructor.

It was Bolton's opinion that Director Collins is very pro-academy and training. In fact, Collins used to be at the Training Academy. He described Collins as a person with very good ideas. He believes Collins' mindset is leading LMDC in the right direction.

He believes the current instructors at the academy are "good instructors."

Over the past few years, there have been some recruits who were questionable. When they encountered a recruit that they believed was not suitable to be a corrections officer, that was brought to the attention of the commanders who reviewed those issues with the head of HR.

He believes that they need a bigger Training Academy facility with additional classrooms and additional training officers. He stated that with regard to the current academy and number of officers assigned to the Training Academy they “made it work.” He noted that until recently officers in the jail were not issued a “Knife for Life.” Officers have now been issued this lifesaving device that can be used to help rescue inmates who have committed or tried to commit suicide. He stated that the control rooms at the jail are “very busy spots” and “not a place to be if tired.” Over the years, he has observed equipment in the control rooms getting better.

One recent idea supported by Director Collins is to obtain Police Officer Professional Standards (POPS) Certification and Kentucky Law Enforcement Council Certification. The POPS standards are more rigorous than current standards at LMDC, but the certification would help provide better training to the corrections officers and in turn a better quality of officers at the jail. This certification would also help corrections officers to transition to police officer positions should they desire to do so.

Concerning sexual harassment, he had heard of cases at the jail. He also stated that all employees were recently required to take a sexual harassment course.

### **Angie Coswell**

Angie Coswell, Illinois Department of Corrections, Human Resources Department, advised that it is the standard procedure for the Illinois Department of Corrections (IDOC) to complete a “Personnel/Position Action” form when an employee leaves IDOC. In section 7 on this form, there is a box captioned “Transaction Name” (reason for leaving IDOC) followed by a box captioned “Trans Code” (standard list of possible reasons). It is the usual procedure to report in the Transaction Name box “Separation – Retirement” followed by Trans Code “BA-120” when someone retires from IDOC.

If a person does not retire but is terminated from their position, the Transaction Name will be listed as “Termination- Non-Certified” Trans Code “BA-125.”

## **Tim Dearing**

Dearing began his law enforcement career as a cadet at the University of Louisville Police Department. He worked in this capacity for three years. In 2006, he learned that LMDC was hiring. He looked at this opportunity as a “best-kept secret” in that he could be a peace officer and receive hazardous duty pay and obtain a good retirement. He worked the nightshift until 2015. In 2019, he was promoted to sergeant on the Booking Floor. He enjoyed this assignment. In 2019, Dearing applied for a position as Policy Coordinator. Then Assistant Director Steve Durham told Dearing he would be handling open records in addition to policy and American Correctional Association accreditation matters.

In this position, most of his time was consumed by responding to open records requests from the public and the County Attorney’s and Commonwealth Attorney’s offices. These records requests related to court directives to provide records for litigation. This consumed most of his time until December 2021. At this time, he received help from an employee who was assigned to his unit, Shannon Shipley. Dearing also handles the redaction of records that are disclosed.

During his tenure under Assistant Director Durham, Durham was very slow to respond to requests by Dearing on matters requiring his review.

As part of his responsibilities, Dearing drafted new policies. These policies were then forwarded to Durham for review. Frequently, these policies that were sent to Durham for his review sat in his office for a long time. There were matters that had been languishing in Durham’s office since 2014. Durham, who was a lawyer, wanted anything legal to be funneled through his office. Then Chief of Staff Eric Troutman told Dearing if you can go around him, do so.

Dearing had told both Durham and HR Director Wanice Tunstall that he needed help with his responsibilities. The records requests were consuming most of his time and he was unable to work on policies. At one point in time, he told Durham that he needed help and that it had been almost three years since he’d had a vacation. After pleading for help for a long time, they finally provided him with some help.

Dearing stated that former Director Dwayne Clark did well as a deputy chief and chief of staff, but when he came back as director, he wasn’t the same. After losing his wife, he

seemed to change significantly. He relied upon others to give answers in public meetings rather than him doing so himself. He “didn’t seem to be there.”

Dearinger was a union rep when Clark was the deputy chief and chief of staff and was familiar with him when he held these positions. Again, when he came back as the director, he did not seem to be the same.

Under Clark, Deputy Director Baker was the “go-to person.” Durham was the person who handled all legal matters. Clark, Baker, and Durham seemed to have meetings without getting input from others in LMDC.

Frequently, Clark or Baker would call an LMDC officer directly if they heard a rumor about something rather than going through the chain of command. This made it stressful for officers. In those instances when Clark or Baker was on a floor, they would talk to individual officers on the floor rather than their supervisors. Former Director Bolton required following the chain of command.

When Clark came back as the director, he seemed disconnected and relied on Baker and Durham.

Once COVID hit, Clark and Baker closed themselves off from everyone else. They created policies and procedures but would not consult with Dearinger who was the policy coordinator. COVID policies were developed without the input of others. During COVID, in-person visitations were discontinued, and kiosks systems were put into place. However, no policies or procedures were developed about the use of the kiosks. The general staff was not informed about many of the policies.

The policy book has not been reviewed and updated in a long time. The policies have not been reviewed to determine whether they meet the current standards or best practices.

There are “post orders” that provide direction to employees about procedures for particular jobs throughout LMDC. These post orders provide direction to officers as to what they are supposed to do. These post orders are very antiquated. In many instances, they are duplications of other policies and possibly conflict with standard operating procedures. Dearinger cited the post orders for the second floor as well as other floors may be governed by eight different post orders.

Under the prior administration, members of the executive team attended the American Jail Association and Kentucky Jail Association conferences. Durham, Troutman, and Baker

were the same people who attended these conferences. They would return from these conferences and not disseminate information to others at LMDC about what they had learned.

Under the current administration, there is no internal legal counsel. Dearinger's point of contact for legal advice is with the County Attorney's Office. The current contact at the County Attorney's Office, Roy Denny, has been very responsive. However, Dearinger noted that it would help to have an in-house legal counsel to help with open records matters. There are certain areas of LMDC where there are no post orders to provide guidance for operations in that particular area. One example that he provided was for the motor pool. There are no policies and procedures currently in place.

Within the past few years, a new position was created called the "Security Facilities Specialist." The person assigned to that duty initially was Lt. Llaguno. He was in charge of all security reviews in the LMDC facilities. He also was delegated the responsibility to revise post orders. After this position was created, the floor corrections officers seemed to back off on their responsibilities to ensure security. Lt. Llaguno was very thorough at his job. In this position, Llaguno did inspections of the cell doors, windows, and walls to ensure there were no security issues. There was not a position such as this until an inmate escaped sometime around 2020.

Under Director Clark's administration, it seemed as though there was a "Good Old Boys' system" in place. He noted that some employees are concerned about whether that mentality was going to be brought forth into the new administration. Some employees have expressed concern over the assignment of vehicles to specialty units and to people who have not previously had LMDC vehicles assigned to them.

Some employees have expressed concern that the SORT team seems to get most of the training and overtime rather than officers at LMDC.

Dearinger noted that there are needs throughout LMDC for improvements in computer systems. He has asked for upgraded monitors for his office for some time. His requests for new monitors for himself and those working with him have not been acknowledged and now he still has the antiquated monitors.

Overall, it's Dearinger's opinion that "things are a lot better" under Director Collins. Nevertheless, he stated that there are many things that still can be done to improve things at LMDC. He noted that favoritism towards certain employees or certain units tends to erode

morale. Again, he mentioned that some corrections officers had opined that certain units such as SORT have been receiving favoritism over other units or persons.

Under current policy, there's supposed to be an after-action review of critical incidents. This has not always been done.

In-service training ceased during COVID, and it has not been consistently given since the COVID restrictions were lifted. Under former Director Bolton, there were three days of mandatory classes each year to include firearms training and CPR training. Although there are mandated online classes required by State corrections regulations, persons taking these courses skim through them and state that they have read through the material when they really have not done so.

There doesn't seem to be a thorough system in place to determine if a person's CPR certification has expired. At the end of 2021, he had learned that one of the CPR instructor's certifications had expired.

Regarding firearms training, it is very difficult for them to find a range to conduct this training. They use a variety of ranges throughout the area. It is very difficult to get time on the LMPD range.

Dearinger stated that the top priorities in his mind are that LMDC needs to get back to placing security as a top priority. Under Director Bolton, security was a top priority. He noted that the floor security officers need to be held accountable for ensuring the security of the facility rather than relying upon the security specialist.

It's his opinion that some of the deaths that have occurred over the past year were partially attributable to officers not doing their checks as required. He also noted that floor security officers are not checking windows and doors and doing regular security checks. Some of this is due to laziness and complacency. There needs to be a renewed emphasis on everyone realizing that security is their responsibility. The booking and intake officers need to do thorough searches of persons coming into the facility. Corrections officers manning the booking and intake areas are frequently rushed to do their jobs which results in "not doing Security 101." It seems that many of the older employees have developed a complacency over time.

One of the inmates, Thomas Bradshaw, who hung himself on the fifth floor, was an example of where better attention to Security 101 may have prevented his death. Internal video shows corrections officers walking by his cell when being more attentive to what was going on

in the cell may have prevented his death. He also noted that corrections officers are not watching the work aides carefully enough. Simply stated, many corrections officers are not doing their job.

### **W117**

W117 has worked for LMDC for approximately four years. Her assignment has been floor security. She is currently on the nightshift and works on the J2 Floor which is the area where female inmates are housed.

On January 24, 2023, W117 heard a Narcan alarm go off in one of the cells. She responded and began CPR of the inmate who had apparently consumed fentanyl. The overdose victim survived and was taken to the hospital. The overdose victim was in jail cell J2, 2B. Immediately following giving this inmate CPR, W117 walked to the sergeant's office to do some paperwork regarding the incident. As she walked towards the sergeant's office, she walked past three LMDC employees – [REDACTED] who was the dog handler of K-9 Mia. As W117 walked by the K-9, unbeknownst to W117 the dog indicated to the handler that it smelled possible drugs on W117. W117 was taken into the sergeant's office by the three male corrections officers and interrogated regarding the drug dog hitting on her. W117 believes that before a corrections officer can be interviewed in this fashion the on-shift captain needs to be notified.

After talking to her about why the dog might have hit on her and whether she had any drugs on her or used drugs, the three sergeants asked if she would permit them to search her car. She consented to this and the three of them along with the dog escorted her out of the building past other employees to her car which was parked on Liberty Street. She opened the car for them to search and the drug dog climbed in the car sniffing around for potential drugs. No drugs were found nor did the dog indicate it smelled any drugs in her automobile.

W117 theorized that having just given CPR to a person who overdosed that the drugs that that inmate overdosed on may have contaminated her uniform.

W117 felt very violated by this conduct. Following this incident, she did not receive an apology for her being accused of having drugs. This overdose occurred at approximately 6:52 a.m. on January 24, 2023. The search of her vehicle occurred around 7:25 a.m. on that same day.

This drug overdose incident and her providing CPR to the overdose victim occurred at the end of her shift which began on January 23, 2023. After she was interrogated and searched, she clocked out for the day. She returned that evening at approximately 10:45 p.m. for her evening shift. Upon her return and at no time following her providing CPR to this inmate did anyone commend her for her efforts. She also does not recall anyone asking her if she was okay after being involved in this lifesaving event. She was asked by her lieutenant to state what had happened earlier in the day. W117 told her lieutenant that she was upset about being interviewed by the male corrections officers and felt that a female should have been in the room with them.

On January 25, 2023, W117 sent Human Resources Director Wanice Tunstull an email which she copied to Maj. Gilbert. This email was to submit a complaint for her being interrogated and searched on the day that she conducted the CPR on the overdose victim. Subsequently, she received an email from Tunstull that she would schedule a meeting with her. When W117 met with Tunstull, Tunstull stated they wouldn't do anything about it because she was not disciplined for anything. This complaint filed with Tunstull was on the recommendation of her lieutenant.

In the four years that she has worked at LMDC, she has performed CPR four times. Never at any of these times was she commended for her lifesaving activities. She also was not checked on by her supervisors as to whether she was doing okay after being involved in reviving a person.

W117 has observed sexual harassment in the LMDC facility. She herself was the victim of sexual harassment when a corrections officer trapped her in a bathroom and tried to grope her. She reported this to the Human Resources Department. W117 acknowledged that she had been texting with this male employee but told him she did not want to have a relationship with him because he was married.

### **Daron Hall – Davidson, TN Sheriff**

Daron Hall was elected to his sixth term as Davidson County Sheriff in 2022. He made Nashville history by being the youngest person ever elected to the office and the longest serving. Sheriff Hall has made arresting the problem, not the person, a focus. He designed and implemented the first-of-its-kind Behavioral Care Center, a diversion program aimed at decriminalizing mental illness.

Sheriff Hall was elected as president of two national associations. The only Tennessee sheriff to serve as president of the National Sheriffs' Association. He was also elected the 101st president of the American Correctional Association. Hall has won numerous awards including the prestigious E.R. Cass Award – the highest honor given in the corrections profession.

After 35 years of criminal justice experience, Sheriff Hall is seen as an expert in the field. He has been interviewed by national and international media outlets including the Wall Street Journal, the British Broadcasting Corporation, NPR, the New York Times, Fox News, CNN, and Fortune Magazine.

Hall has been in leadership positions for 28 years. Years ago, it was observed that many persons with mental health issues were in and out of jail. The number of mental health patients was increasing in the jail. Approximately eight years ago, the police chief, sheriff, district attorney and judges met for lunch to discuss the issue. An example of what they discussed was if police respond to a naked man in the park, is jail the best place for that person to go. The number one reason why people such as this are taken to jail is that they refuse to do what they are asked to do by police officers. Oftentimes, these persons are given a court date and released and then repeat the behavior. They determined that many were coming to jail for mental health issues rather than actual criminal behavior.

Approximately 30 to 35 percent of persons arrested have mental health issues. He noted that the community thinks, "All is good because these persons are off the street." However, putting them in the jail setting is not conducive to treating the underlying problem. They have established a mental health court whereby persons with mental health issues go before a judge trained and experienced in mental health issues.

Additionally, Nashville/Davidson County built a new jail facility. This new jail facility included a Behavioral Care Center. This center is staffed by mental health experts. When an individual is arrested by the police, they do not go into a jail setting until they are assessed to determine whether they have mental health issues. The first person that they meet at the intake facility is a mental health expert.

Once the person is searched, fingerprinted, and photographed and it's determined that they have mental health issues, they are diverted to the Behavioral Care Center rather than going into the jail. They never have to change out of their street clothes until they get to the mental health facility where they are put into a standard jumpsuit worn by all persons in the Behavioral

Care Center. All staff at the facility wear scrubs and not uniforms. The overall intent of this facility is treatment oriented. A very important statistic that they have observed since they began the Behavioral Care Program is that they have a recidivism rate of 7 percent compared to the 90 percent average across the country. The recidivism rate for nonmental health inmates is approximately 75 percent.

The Behavioral Care Center is staffed by nurses, doctors, dentists, and corrections officers who are referred to as technicians. All staff including the corrections officers wear scrubs. The Behavioral Care staff always try to deescalate an issue, however, in the event that they are unable to do so, they can call the main jail to have corrections officers respond to assist with the problem. They have had tremendous success with the Behavioral Care Center program.

Sheriff Hall stated that mail sent to inmates never goes into the jail facility. The mail is imaged and uploaded for inmates to review on tablets. All inmates receive a tablet for review of mail. These tablets can also be used to order items from the commissary.

Whoever has the phone system contract provides the tablets for free. There is no cost to Metro Government. Inmates can also use the tablets to text. These tablets by which inmates can text allow the jail staff to monitor messages for potentially inappropriate or criminal behavior.

The commissary is run by an outside company. The inmates can order items from the commissary through their tablets or kiosks. The commissary items are then distributed by vendor employees. The design of their new jail building includes areas by which inmates can be fed without being moved out of their dorm areas.

The maintenance of the jail facility is handled by civilians.

In addition to maintenance being handled by civilians, approximately 15 years ago they assessed whether the control rooms needed to be staffed by corrections officers. It was determined that it was not necessary to have corrections officers who have been trained to provide security to watch the video cameras. They determined that it was not necessary to go through a law enforcement academy to monitor the cameras in the control rooms.

Employees at the jail currently work 12-hour shifts. They previously asked employees what shifts they wanted to have at the facility. Over 78 percent of the people prefer the 12-hour shifts.

Regarding overtime, they have established a priority list system. Those persons not on the priority list don't have to worry about being forced to work overtime. Persons on this

priority list can switch with others on the list if for some reason they can't or don't want to work. Overtime shifts are limited to four hours.

As with many departments, recruiting can be a challenge. However, they developed a focus group to assess what might encourage people to apply for a corrections job or government job. This focus group concluded it was too complicated to get into a government job. Oftentimes, the process can be months long. In the meantime, applicants may find other opportunities. To counter that, they have developed a program whereby new recruits can start “on boarding” by shadowing corrections officers to get at real-life experience of corrections work rather than putting an individual through the Training Academy and then have them quit a few weeks after graduating. They have found that they lose fewer people in the Training Academy with this program. He noted that many young people these days want flexible schedules and “money now.” They’ve established a program whereby they hire part-time corrections officers who are paid \$35 an hour because they are not required to provide benefits. These part-time corrections officers receive two weeks of training and two weeks of on-the-job training. These part-time employees are told what shifts need personnel and then the part-time corrections officers can select the shifts they want to work. In the past, they have had 11 part-time employees who wanted to become full-time corrections officers. This system allows people who are retiring to come back as part-time employees. These part-time employees have a lot of experience from having worked in the facility before.

### **Ashley Harper – W121**

Harper attended Northern Kentucky University for two years and then graduated from the University of Louisville in 2015 with a Bachelor of Science in Sociology. In 2021, she graduated from Spalding with a Master’s Degree in Business Communications/Human Resources.

She began working for Metro Corrections in 2015. Prior to that, she was working at the St. Benedictine Daycare. When she was first employed by Metro Corrections, she worked in the Record Department and worked third shift. In the Records Department, she helped with court documents to include dockets and release of inmates. In August 2016, she was transferred to the Training Academy.

Her first supervisor was Director Collins when he was a captain over training. She stated that Collins was a great supervisor and considered him to be an awesome leader. The current captain, Llaguno, she described as doing an awesome job, very passionate about his job, works all day and never stops working throughout the workday. She also described him as very impressive. She noted that he will oftentimes work the night shift at the jail and then come to the Training Academy and work at the academy all day long.

Harper participates in the training of new employees' orientation class. She helps explain security and contraband policies. She also helps conduct orientation classes for volunteers at the jail. One of her primary jobs is to log information into a system called Crimcast. This is a statewide system that maintains information on training that Corrections personnel received. This system maintains the name of the class, description, name of the instructor, location, and credit hours.

Sworn and civilian staff must attend annual in-service training. This training is not required of medical or volunteer personnel. She also sets up folders and assists with getting insurance to the new recruits. She explains the insurance to them in detail. In 2019, the Training Academy conducted an in-service called Professionalism in the Workplace. This was a class for all civilian employees.

The Crimcast system maintains training mandated by the State. The system tracks who have completed the classes. Most of this mandatory training is online. The employees login and take the courses. There is a test on the mandatory training, but the employee can take the test as many times as necessary until they get a passing grade.

With the current system in place, Harper is the only person who can determine if a person passed the mandatory class. The information is not transmitted to supervisors or management. For in-service training classes, Harper receives a roster and enters the data into the Crimcast system. Capt. Llaguno has also developed an Excel spreadsheet into which all training is logged by either Llaguno or Training Officer Rodriguez. She stated that the Crimcast system seemed to delete courses, so Llaguno decided to set up an Excel spreadsheet to ensure all data is maintained and not lost.

The firearms instructors have their own tracking system which includes serial numbers of guns.

All in-service training is logged into Crimcast by Harper. This includes firearms, CPR, First Aid, and any outside training that officers receive.

If the officers go to training outside Louisville, it is up to the officers to inform Harper that they attended a particular course. If officers attend a training course put on by the Louisville Metro Police Department, the officers must inform Harper that they attended the course and the details about the course.

The CPR and First Aid training consists of a six-to-eight-hour course. The certification is good for two years. Thereafter, the officers must attend a refresher course which is a three-to-four-hour course. She stated that there is no automatic system to alert supervisors that an officer is out of certification or that recertification training has been done.

Capt. Llaguno is very serious about firearms training. He is one of the primary firearms instructors.

Civilian personnel are only required to take a two-to-three-hour in-service per year. Sworn officers attend an all-day in-service. Officers must attend this in-service training but there is no system in place to make sure that an employee has participated in the training. Supervisors are not alerted to that and it's up to the supervisors to log in to determine if one of their officers needs the mandatory training.

Currently, there is no train-the-trainer course which she believes would be beneficial. She noted that current training instructor Rodriguez did not pass the Corrections fatigue course and yet is an instructor at the academy. With regard to sexual harassment, HR Director Wanice teaches the recruit class. The recruits also must sign off on the new sexual harassment policy that was recently implemented. The sexual harassment training is one hour in length.

She noted that this is the first year ever that sexual harassment training has been mandated for all employees. Sexual harassment is not taught during in-service classes. Recently, all employees were mandated to attend a 30-minute sexual harassment course. The major takeaway from that course for Harper was that they describe what you can't say to people. They went through a list of can't do this or can't do that. There was no test at the end of the course, only PowerPoint slides.

Harper knows that sexual harassment has occurred in the jail facility and at the Training Academy. Over the years she has had recruits call her and tell her they were being sexually harassed. She also has had employees who graduated from the academy and developed a

relationship with her who would call her once they were at the jail facility and describe being sexually harassed. Many of these employees were afraid to tell their supervisors. Harper suggested that if the victim of sexual harassment feels uncomfortable reporting it to her male supervisor there should be a system in place that the victim can talk to a female.

The reporting process for sexual harassment is that employees are told to follow the chain of command. Harper was unsure of what to do if they felt uncomfortable reporting sexual harassment to their supervisor.

In 2016, she had some former recruits stop by her office during in-service training and tell her about being sexually harassed. Many of those persons did not report the harassment. The female corrections officers also stated to her that they were sexually harassed by the inmate population. The sexual harassment pertained to their body parts and made the female employees feel bad about themselves.

In terms of the instructors currently at the academy, it was her opinion that some of the most qualified instructors have left the academy. She noted that Officers Combs, Montgomery, and Bolton had been awesome instructors.

Over her tenure at the Training Academy, she has seen instructors' cycle through the academy.

She said one of the instructors "drives her crazy." She said there are various reasons for that as he can be difficult at times, but he is the best instructor currently at the academy "when he does teach." She said that sometimes he will say he doesn't want to teach a particular course. However, the officer has the ability to get people to talk and encourages interaction during his classes.

A somewhat new instructor, Officer Perkins, seems like a good instructor to her. Officer Jones, who's at the academy now, is too new for her to provide an assessment.

In the past, instructors were informed to dress professionally but some did not always look very presentable. Capt. Llaguno has sent out an email stating that instructors must be in uniform; however, that is not always followed.

When Harper started at the Training Academy, she described the environment as very strict. Now she feels that there are less strict requirements to follow the rules and that things seem to be more relaxed.

Recruits now come to class late and sometimes don't attend class, but those students are not held accountable. She believes this mentality transfers over to the employees' work ethic in the jail. Some of the newer employees opt to quit their job when told to do what is required of them.

It is her opinion that the quality of candidates is not as good as prior candidates, and that the quality of candidates is not as important as getting the numbers into the academy. This is different than it used to be.

Under Director Clark, if a recruit didn't show up for days, the Training Academy was required to take that recruit back to class. Again, she stated that numbers seem more important than quality.

She noted that the jail has been short of personnel for years. She further stated that the jail is a horrible place to work and wouldn't want to recommend people work at the jail facility.

She's had officers stop by and tell her that employees don't seem to care, and many seem to be mentally checked out. She attributed some of that to the forced overtime that has become a norm at the jail. Employees also don't feel supported by their supervisors as with their subordinates just don't seem to care as much as they used to.

Harper hears supervisors attending in-services at the academy complain about employees not coming to work. When asked why they don't write them up, the supervisors respond because nothing happens. She's heard captains say, "We can write people up, but nothing happens; the people keep coming back without any repercussions." She is not aware of any specific training for supervisors promoted to sergeant. She also stated that there currently are no in-service classes being given because of staffing issues at the jail.

Harper stated that the training staff is not involved in the recruiting or retention of employees. She believes training staff should participate in the hiring process to include having a training officer do home visits to interview the prospective employee and their significant other to determine if both understand the nature of the job. During these home visits, the training staff could explain to the recruits the expectations for working at the jail.

Currently, Wanice and Andrew Young are the only people involved in recruiting. Young has mentioned to her that the prior administration wouldn't let him do the recruiting that he thought would be advantageous to getting people to apply at Corrections. She believes that social media is an important forum to inform the public about job opportunities at Corrections.

In terms of retaining staff, she believes that the director and executive management team should be more involved with the staff. She noted that under Director Clark he did not come out to the academy to interface with the Training Academy staff. She contrasted that to Director Collins who seems much more engaged.

Many instructors have left the academy because they don't believe they got the support of their supervisors. She knows of three officers who wanted out of the Training Academy because of lack of support.

She believes it's important for supervisors and management to have conversations with employees and engage with them. Currently, Maj. Goodlett seems to talk to the training staff supervisors but not the staff. She has seen Maj. Gilbert encourage females to apply for sergeant positions. He seems to be good at encouraging females to apply for promotional opportunities.

Harper believes civilian staff are dissatisfied with some of their leadership. She knows that many civilian employees have left the Records Department because of the workload and the supervisors in that area.

### **Sonya Harward**

Harward worked at the County Attorney's Office as liaison to Metro Council. She has worked at Metro Council since 2016. She was promoted to Metro Council Clerk in 2019.

Harward joined Metro Corrections in 1999. She was number one in her class. She recalls a Capt. Smith at the Training Academy who asked her, "Why are you here?"

It was her belief that a "good-old-boy" system was prevalent at Corrections. She said this related primarily to white males and new recruits were encouraged to become part of that system. It motivated her to work hard since she is a minority. The current Director Collins was in the class with her. She described him as being very passionate then and now in his current position. Former Chief of Staff Eric Troutman was also in her class and graduated number two.

To be selected as the number one student, you had to have the highest scores on firearms, physical fitness, and classroom work. Although she was number one in her class, she was not selected to speak as the class spokesperson at graduation.

When she joined Corrections, the training took place at the Southfields training facility which was a joint facility for the Jefferson County Police Department and Metro Corrections. She stated that they did some training with the police officers. They were also allowed to go on

the driving track which she thought was a morale booster for the corrections officers. She also believes that the joint training facility away from the urban area was beneficial. She described the Training Academy as a place where corrections officers felt special, and it had an environment that created a feeling that the job was special and meant something.

When she graduated from training, she started working in the new jail facility (former MSD office building). She said it was a vast difference from what the facility is today. The facility when new was a place that she wanted to work. She has toured the jail facility within the past months and described the facility as completely different from how it was when new. It was bright and shiny, and the environment was more conducive to the employees doing their job.

Nevertheless, the facility was difficult to monitor inmates because of the configuration of the jail facility. With the center being a factor of preventing corrections officers from viewing what was happening on the other side of the jail, at times it made it difficult to hear what was going on the other side of the jail. It created a blocking of the view of people from other areas of the jail. It also created difficulty observing people who were in solitary confinement.

She stated that she couldn't work in the current environment at the jail. When she first started working, there was a fear among some of the corrections officers that the design of the building would prevent others from seeing officers in need of help. She also noted that it was hard to get help because of the design of the building. The design of the building was conducive to inmates being able to use drugs or have sex because it was difficult for the corrections officers to see all sides of the jail facility.

Again, she stated, "The jail is not an environment in which to work. It's dungeonlike." The design of the building also is a contributing factor to persons committing suicide within the jail facility because of the lack of sight from all angles by corrections officers.

She said, "Who wants to work in an environment" like what it is now. In a recent visit, she noted cluttered control rooms and control rooms visible by inmates which were detrimental to safety.

In her dealings with the new Director Collins, she believes he is respected by the officers, is very passionate and doing a good job.

She said that former Director Clark would at times come to Metro Council and be asked a question and not know the answer. He did this on multiple occasions, more often than not. She

believed that he should have brought along command staff who would be able to answer the questions. She did not believe Clark had the capabilities to be number one LMDC.

During her tenure at Corrections, she didn't feel women were respected.

She stated that she was familiar with former FOP President Tracy Dotson who she described as part of the good-old-boy system. She contrasted that with the current FOP President Daniel Johnson who seems to be able to work with the management of the jail facility.

### **David James**

He was recently appointed by newly elected Mayor Craig Greenberg as Deputy Mayor. Previously, he was the President of the Louisville Metro Council. He is familiar with Metro Corrections officers including [REDACTED]. He described this person as pompous and arrogant.

He believed the prior Metro Corrections administration under Director Clark pursued actions against officers that were weak. He told them to knock it off.

He stated he has no problem with LMDC officials disciplining or removing persons if they have legitimate grounds to do so.

### **Sgt. William Jones**

Jones has an Associate Degree in Criminal Justice. He received a Bachelor of Science degree in General Education.

From 2006 until 2010, Jones was the U.S. Marines. He attained the rank of Corporal E-4. He had a tour of duty in Iraq. Jones worked for Duke Energy beginning in 2010. From 2014 to 2018, he worked for Bumper-to-Bumper Auto Parts.

In 2015, he was hired by the Louisville Metro Department of Corrections. He saw the job opportunity on Indeed. After completing the Training Academy, he was assigned to floor security on the second shift. In 2017, he was assigned to the Community Corrections Center. He bid for that position. In 2020, Director Clark closed the Community Corrections Center. He then began working at the main jail on the second shift. In 2021, he was promoted to sergeant. In 2022, he bid for his current position at the Training Academy.

Jones believes the Community Corrections Center was an excellent program. It was a minimum-security unit. The work release program was operated out of that facility. Persons put

on work release by judges could leave the facility unescorted to work or could be released to go to medical appointments. He strongly believes that the Community Corrections Center should be reopened.

Inmates preferred the Community Corrections Center because there was more freedom within the facility, the rooms were bigger, and the dorms had two TVs rather than the one TV in the main jail facility. In addition, the food portions were much better than at the main jail. Jones noted that there were some drug problems and overdoses at the center attributable to poor searches by personnel.

In April 2022, he was transferred to the Training Academy. He stated that he enjoys teaching and believes that the Training Academy sets the foundation for what is expected of new recruits.

He believes that around 2017 the protocol for being selected for the Training Academy changed. When he was applying for the position at the Training Academy, he was interviewed by Capt. Llaguno, Maj. Goodlett and HR Director Wanice Tunstull. He also had to undergo a physical fitness test and verification that he had no disciplinary action.

He stated sexual harassment has been an issue at the jail facility. There seems to be an atmosphere of promiscuity. Recently, all employees received sexual harassment training from the County Attorney's Office. His takeaway was that sexual harassment will not be tolerated. He noted that recently a recruit who had just received sexual harassment training at the academy told a female recruit that the only way for a female to get promoted was "by sucking dick." The matter was reported, and the person was removed from the class. The sexual harassment training provided by the County Attorney's Office was a 30-minute class. It did not include a test at the end.

Training received by employees is recorded by Capt. Llaguno on an Excel spreadsheet. He described Llaguno as an awesome supervisor who's very knowledgeable. He believes that the current instructors are excellent. He noted that Officer Tracy Dotson is a good instructor. He stressed the need for additional people at the Training Academy because there has been an increase in recruit training to include lateral transfers. In addition to the new recruit training, they are required to provide in-service training. He believes they need one or two more people at the academy.

He stated that the prior administration under Director Clark didn't seem like they cared. They seemed to want to be in their office. Director Clark shut down the Community Corrections Center which he believed was wrong. During the global pandemic, they consolidated all inmates and staff which seemed counter to what was being encouraged by government officials. With regard to Director Clark, he knew that Clark had lost his wife. Jones stated he understands how that would impact an individual and noted that Director Clark didn't seem to be in the game anymore.

By contrast, he stated the current administration is the best administration under which he has worked. They seem to be proactive on matters. They've instituted programmed dorms where people are helped to get ready to go back into the community. Director Collins has also provided better equipment that aids in officer safety which is huge to employees. He has also implemented wellbeing programs and peer support for the officers. He noted that Maj. Goodlett comes out to the academy which is appreciated by the staff.

He also noted that a new program has been instituted called Person First which is geared to treating inmates as people. This program was instituted by Dr. Mariya Leyderman. Dr. Leyderman was hired by Director Collins and seems to be doing an excellent job.

With regard to the FOP, Jones stated that corrections officers are keeping their job when they really shouldn't be there because of the FOP contract. He said that Corrections needs more officers especially to cover shifts when officers are on vacation or sick leave.

In conclusion, he stated that the Community Corrections Center shutdown was wrong, and it should be a priority to reopen it. He feels good about working for the current administration.

### **W131**

W131 has worked eight years at LMDC. He's been assigned to the third shift and is currently assigned to Floor J2, the mental health area.

W131 related an incident that occurred on October 11-12, 2022. On this occasion, an inmate was assaulted. W131 was informed that an inmate had fallen in the shower. W131 got him out of the shower and pulled him to a bench near the control center. The inmate, who also worked as a work aide, stated that he'd been assaulted twice. W131 reviewed the cameras and

confirmed that he had been assaulted. The inmate told W131 that weapons and drugs were in H6, Dorm 6. He also mentioned to W131 that another inmate had information as well.

On October 13, 2022, W131 returned to work. The inmate who he had helped the day before had been moved to Floor H5, Dorm 1. This inmate also told him that inmates were sprinkling fentanyl on inmates' food to see what would happen. This inmate identified persons involved. This inmate – (*Protect Identity*) told W131 that they were trying to get him to pass drugs on the floor when he was out as a work aide. He said they wanted to use him as a mule to pass drugs from one dorm to another. He said that they were trying to pass Suboxone strips. He went on to say that an inmate named [REDACTED] wanted to buy some Suboxone.

The inmate described the means for paying for the drugs. The persons involved would use the Cash App. An inmate would order \$20 of Suboxone; inmate Truly would then tell them to send money to the Cash App. Thereafter, once the money was in the Cash App, a delivery of Suboxone would occur.

W131 then reached out to Maj. Gilbert to tell him about the situation. Gilbert called him back and asked why he did not report this to his lieutenant. W131 told Gilbert about drugs and weapons on the floor. W131 responded to Gilbert's inquiry that, "I trusted you, but I don't trust the lieutenant."

W131 then went to his lieutenant and told him about the weapons and drugs. He told Clark that he can get some drugs if some commissary bags were provided to the inmate with the drugs. The lieutenant approved him to go to the commissary to get several items.

W131 and [REDACTED] went to the commissary and obtained some commissary items. The cooperating inmate had told them that sometimes Suboxone was delivered to inmates in the commissary bags by the work aides delivering them. Small slits were placed in the bags, and they put Suboxone strips into the bags. They took pictures of the bags and the slits that they had placed on the bags.

Inmate [REDACTED] then took the commissary bags to inmate Kevin Lawless who allegedly had drugs in Dorm 8. W131 received information that an inmate in Dorm 5 also had Suboxone. After Short delivered the commissary bags, he returned with part of a Suboxone strip from each inmate.

W131 called his lieutenant back to tell him they got the Suboxone. After the floor sergeant returned, he was also informed about the situation. The lieutenant stated he was going

to call PSU and the K-9 Unit. The lieutenant then told W131 that neither PSU nor the K-9 Unit were going to respond to the jail that night.

After the above occurred, W131 believed that the sergeant was going to do an extraordinary incident worksheet. All the above occurred towards the end of W131's 19-hour second shift. His next shift would be scheduled later that day at 11 p.m.

When W131 returned for his next shift, Lt. Clark told him that Maj. Gilbert was "effing livid" about what he had done the night before. Then at the beginning of the shift, the third shift sergeant told the corrections officers during rollcall that they should not set up their own undercover operations.

W131 learned that the K-9 Unit did come to the jail the following morning at around 11 a.m. to do an inspection of the cells in which the drugs were obtained. W131 learned that the K-9 Unit went to Floor 86, Dorm 6, and did a sweep with a K-9. He does not believe that a hand search was conducted of any of the inmates nor a thorough search of the dorm.

Generally, in such search situations, all inmates are removed from the dorm and placed either in the hallway or another room. During these searches, no one is allowed to use the restroom. Usually, six to eight officers will do a search. In this instance, only four corrections officers entered the dorm. He does not believe that a pat down of the inmates occurred nor a thorough search of the dorm. W131 had received intelligence that drugs were also in other dorms such as Dorms 5, 6, 7 and 8. W131 was informed that no drugs were found in those dorms.

On Friday, October 14, 2022, during the third shift exchange of jumpsuits and linens, Suboxone strips fell out of either the linens or a jumpsuit. He believed this was during the switch of jumpsuits. He's not sure if the Suboxone strip was seized. Despite these drugs being found in the cell, the K-9 Unit did not do a search of the cell.

Regarding the incident involving the inmate, W131 believed the sergeant was going to do an emergency incident report. The following morning, he learned that the sergeant had not done so. W131 went into Sgt. [REDACTED] office to ask why no incident report was done. The sergeant responded that he was told not to do an incident report and instead was told to send an email to the lieutenant and Maj. Gilbert. The sergeant stated that he took the Suboxone that was obtained during the undercover operation to the lieutenant. Following this incident, PSU never came to interview Officer [REDACTED] or Officer [REDACTED].

W131 also stated that another officer, W117, had responded to two overdose incidents on or about January 23, 2023. He stated that on this occasion there were two overdoses on Floor J2. W131 stated that W117 had given CPR to inmates on multiple occasions over the past two days. On this occasion, it was determined that the inmate had drugs in her rectum.

W131 stated that overdoses continue to be a problem at the LMDC facility. W131 stated that while Director Clark was in charge of LMDC, the FOP was very aggressive about getting information out to the media about all overdoses. Now there is very little discussion about the overdoses that are continuing at the jail. He assumed that this is because the FOP is getting what they want.

W131 noted that on December 3, 2021, an inmate by the name of Rickitta Smith who had been freshly arrested was found to have overdosed. CPR was performed but it was likely that she had been dead for at least an hour before she was found. Despite giving CPR on this occasion, W131 was written up because he did not do an extraordinary incident report. He claims that he did but the writeup was not saved in XJAIL.

W131 stated that the following individuals might have additional information about matters at the LMDC. These individuals are: [REDACTED].

On February 3, 2023, W131 provided the following additional information. Recently, he was written up for not recording observations of an inmate during his third shift. This inmate overdosed during the first shift when W131 was not working. When W131 asked his captain why he had been written up for something that did not occur on his shift, the captain responded that it was “a knee-jerk reaction” by the administration. The captain went on to say that it was done just to show the mayor’s office that they were enforcing the policies at the jail and trying to reduce overdoses. W131 did acknowledge that he did not perform the required observations of the inmate because he was busy with another inmate and couldn’t get to do his hourly checks on a timely basis. This was discovered when an investigation was done concerning the inmate overdosing. W131 stated that it was common knowledge that falsification of the observation forms does occur.

W131 stated that he has performed CPR six times during his employment at LMDC. He recalled an incident in 2021 where he brought back four females in one day. Once an inmate is given Narcan, they are transported to a hospital. The date when he performed CPR on four females in one day there were almost 20 people who OD’d on that same day. It was necessary

for them to call in additional ambulances to transport the people. This occurred when Director Clark was in charge of LMDC. It was determined that a female had brought a bag of drugs into the jail in her vagina. This female had been scanned by the body scanner but passed through by the officer manning the body scanner on that occasion. Attached is a picture of the body scan image which faintly shows the drugs in the female's body. The drugs recovered from inside her are captured in a picture also attached. It was learned that a work aide passed the drugs around the second shift.

## CONTRABAND FOUND INSIDE FEMALE INMATE



W131 stated that he's never been commended for giving CPR to anyone and has not been asked by any of the supervisors how he was doing after performing CPR so many times.

W131 believes that the drugs are mainly getting into the jail facility through inmates placing the drugs in their rectum or vagina. He noted that all corrections officers were supposed to have training on the use of the body scanner, but the training was very limited and given at the end of a long shift when he and other officers were tired.

He believes some contraband has been brought into the facility by corrections officers. He noted that one corrections officer named [REDACTED] was walked out of the facility and is now "on the run." There were other corrections officers that he was aware had been accused of bringing drugs into the facility.

Although all employees were required to walk through the magnetometer, that device only catches items of metal. It would not pick up persons carrying baggies of drugs or other forms of transmitting drugs into the facility. Also, a new policy mandating a single point of entry into the facility has been put in place, but employees continue to enter the facility through the sally port and step outside to take smoke breaks from side doors.

He stated that the integrity of the corrections officers including the management personnel is so important. He believes the public is not being told about the ongoing issue regarding overdoses.

He also noted that when you go to the Kentucky State Reformatory you have to empty everything out of your pockets. At LMDC, all you're required to do is walk through the magnetometer.

Additionally, he believes that inadequate background checks are being done on new employees. He believes that some of the recent incidents have come about from inmates returning from court. He thought that perhaps family members or public defenders might be involved in the passing of drugs.

### **Zackary McVey – Iowa State University Police Department**

McVey is a captain with the Iowa State University Police Department. He's been employed as a police officer and a military police officer where he was assigned to the Leavenworth Federal Prison. McVey described a hiring process used by the Iowa State University Police Department. The department encourages police officers with other agencies to apply for supervisory positions when they become open on the department. McVey was a lieutenant with another police department when he applied for a lieutenant spot on the Iowa State University Police Department. He ultimately was selected for that position. Following the hiring by the department, he underwent 12 weeks of officer field training with a field training officer followed by eight weeks of supervisory field training. Under this concept, people are hired directly in for leadership roles as was McVey. One year later, he was promoted to the rank of captain. The philosophy of the department is, "The best person for the job." Individuals are not promoted simply because of their seniority. This process has helped infuse the department with talent and has helped the organization flourish. Although this process may not be encouraged by long-term officers in the department, it does provide the department with what

they consider the best talent. The department also will promote officers on the department to supervisory ranks outside of the usual progression such as first being promoted to sergeant and then lieutenant followed by captain. Iowa State will promote somebody who is an officer to a lieutenant's position if they consider that person the best person for the job. McVey switched to Iowa State for career advancement potential. As a police officer, he was assigned as a school resource officer and developed a passion for police work within learning institutions.

He and others who are brought into a supervisory role at Iowa State receive PTO training from officers who they may supervise in the future. This enables the PTOs to see the ability of their potential supervisor and validate that the supervisor understands the job that they are doing. All in all, this process has helped the department bring people on board and has helped the organization in its efforts to be a modern, progressive police agency.

When McVey worked at the Leavenworth Prison, he was assigned as a security officer in the facility. The facility itself is a modern prison facility set up in a triangular configuration with the point of the triangle leading towards a control room. There were three triangles that pointed directly to the control room. Each of these triangles housed between 70 and 90 inmates. The control room had glass around the entire control room whereby the control officers could see down the three corridors of the prison. In addition to a supervisor in the control room, there was a military police officer who could respond to incidents on one of the three walks. Each of the three walks was the responsibility of one officer. This system worked very well for the prison system.

### **Tim Myers**

Myers attended Elizabethtown Community College. His employment history includes experience as the fire and safety director for a large automotive parts company and Hardin County Dispatch. Myers was also in the Air Force Reserves for 16 years.

He was hired by LMDC in 2014. The training that he underwent in the academy was the type that he was used to from his military training. It was the concept of breaking you down and building you up. This mentality also helped build camaraderie among the troops. Over the years, the staff and administration have changed. It seems there has been a move away from the more intense physical fitness piece of the training. He disagrees with this since the job does require physical encounters as part of it.

It appears that recruits now are graded on a pass-and-fail method. It also seems that the mindset currently is, "Give me your best effort." He does not believe that the current training is as stressful as it used to be, which ultimately creates problems because the employees are hired thinking that it's an easy job. It also shows in the handling of disciplinary matters. It's his opinion that they have softened their approach to people who do something wrong. There also seems to be a lessened "respect" factor. What is conveyed to the new recruits is a reflection of the department and what it will tolerate.

The current training staff is good except for one person. He stated that someone of this person's stature doesn't need to be at the academy. The current head of the Training Department, Capt. Llaguno, was described as amazing.

When he went through recruit school in 2014, Director Collins was an instructor at the academy. He taught boxing. Director Collins taught him a lot. He was an example of a hands-on instructor. They also brought in visiting instructors in 2014.

There is a person he believes should not be in training. He said this person is very disgruntled claiming that he's been retaliated against by management. He seems very "full of himself." He also does not seem sincere in his teaching. Over the past six months, he has noted an improvement. He is married to the sister of former Chief of Staff Eric Troutman.

Myers began working as an assistant fire/safety officer prior to the employee who was the fulltime safety officer left. Myers would fill in on occasion when the safety officer was not working. In April of 2020, this employee went out on leave but never came back. Thus, Myers was doing the job as the floor sergeant plus acting as the fire/safety officer.

Once he was put into the position as fire/safety officer, he realized that the prior employee had not done much. He still is "cleaning up" things that were not done. Contractors coming in said to him that he was the first person they could remember to be in the jail for the entire day. When he took over, there were between 175 and 185 trouble alarms on the smoke detectors. These trouble alarms were ignored. Many of the smoke detectors either were not working or deactivated.

The prior safety officer would receive calls during the nightshift, and he would instruct the staff to just disconnect the alarm.

He stated that there was so much neglect. The fire pump panel was outdated, the fire extinguisher boxes were in poor repair, and some did not have doors. Other doors are stuck and cannot be opened. Approximately 125 extinguishers were not up to date.

In the kitchen, the hood suppression system is inadequate for the area. There were add-ons to the kitchen and the fire system was not improved during that time period.

Myers also has the responsibility of reviewing sharps logs.

Myers would conduct inspections of the jail with Capt. Llaguno looking for safety and security issues. One of the issues that he brought to the attention of management was the kitchen inmates hanging blankets over their cell doors which prevented observation into the cells. Although he reported this, nothing was done about it.

When Myers and Llaguno did their daily checks on the floors, they were looking for outlets that needed repair and locks on cells that might not be functioning. Some of these cell doors were tampered with by inmates who would stuff toilet paper in the latching mechanism preventing the doors from closing. Officers would oftentimes not physically check the doors and inmates would be able to get out of the cells to engage in fights with staff or other inmates. He said that this failure to do these checks was a failure of a critical component of being a corrections officer and that is, "officer awareness." Many officers are simply not doing their job in the way they are supposed to. Myers and Llaguno would check all doors on every floor to ensure they were locked and working properly.

Regarding the inmates assigned to the kitchen who have their own quarters immediately adjacent to the kitchen putting blankets over their cell doors, this was observed by one of the Department of Corrections jail inspectors, but nothing seemed to be done under the prior management. It was the mindset of "out of sight, out of mind."

During these inspections throughout the building, Capt. Llaguno would send emails concerning issues that they had found. These emails would go to the shift commanders and frequently were ignored. During these security checks, Capt. Llaguno noted a picture on an inmate's wall. He moved the picture aside and detected that two bricks could be removed.

Overall, Myers has seen a reduction in the enforcement of rules and regulations compared to how it used to be. Now it seems that sergeants are afraid to say something to their subordinates for fear that they may be looked upon poorly. They have a fear of being a supervisor. Inmates see this and sense this. On many occasions, there are things that corrections

officers should handle themselves, but they wanted their sergeant to “be their wingman” rather than be their supervisor. It seems to be a culture that has developed in LMDC.

The booking floor is very busy and a crucial part of LMDC. It needs to be remodeled and is not designed in the best way to process incoming inmates. There are currently five holding cells and three dorms on the booking floor to include seven single cells.

Myers has asked to go to training for two years but has not been afforded those opportunities. He contrasted that with the LMPD’s safety officers who have been able to attend training such as OSHA conferences and other conferences that would assist him in identifying new ideas and products to assist with the safety and security of the facility. The prior administrators have denied his every request to attend the training. He stated that his position is critical, and training would be helpful.

He’s observed that a lot of decisions are made without consulting those impacted by those decisions. Persons such as security officers working security on the floor or others in specialty positions are not brought into the discussions that will ultimately impact them. Their sergeants would come out of a meeting and say this is what was decided without obtaining input from those impacted. There has seemed to be a lack of transparency in the decisions made at LMDC.

He has also observed that if you’re not part of a certain group you don’t get preferential treatment. There are employees getting cars who in the past have not had cars such as the FOP president and the recruiting officer. The prior administration was politically driven which created morale issues.

He noted that under Clark there were eight deaths during his three-year tenure and that there have been four deaths between April of 2022 and October of 2022 under the new director.

He described the new Director Collins as a “great guy.” He believes that drugs getting into the jail are the result of a lackadaisical attitude on the part of many corrections officers. In addition to inmates bringing drugs into the facility, he believes there’s a possibility that other staff including potentially including medical staff could be bringing drugs in.

He strongly believes that there should be one point of entrance into the building and one door to exit. There has been a seemingly lackadaisical attitude in the reception area in terms of security. Many of the corrections officers monitoring the front door are friends with other corrections officers coming in which develops an attitude that they don’t want to scrutinize

fellow employees coming in. The possibility of a private security company that would not be imbedded with the corrections officers or have close personal relationships with them might be a better idea to improve upon security. When Myers took over as the safety officer, there were 150 smoke detectors that were not working. Through his efforts, he has managed to get that number down to 30. He is also in the process of doing paperwork to get bids for replacement of the broken fire extinguisher cabinets, some of which will not open.

He said that morale under the current leadership is pretty good but noted that employees need to buy into vision of the leadership. Director Collins has a vision that appears to be moving the jail in a better position than under prior management. He described Collins' leadership team as "much better than the prior administration."

### **Theodore Perkins - Training**

Perkins worked for the Ford Truck Plant and the Louisville Auto Plant from 2000 to 2006. He was hired by Louisville Metro Corrections in 2007. He wanted to use his employment at LMDC to get hired by the Louisville Metro Police. Currently, Louisville Metro Corrections officers cannot lateral to LMPD because corrections officers are not KLEC certified. He believes that if corrections officers received KLEC certification for their training it would attract people who may want to lateral over to LMPD.

Perkins will have 16 years at Metro Corrections in March 2023. He enjoys what he is doing. He applied for a permanent position at the Training Academy. He noted that the job of a corrections officer can "beat you down." He mentioned that the revisions to the retirement system have taken away one of the incentives for becoming a corrections officer. He can retire after 20 years and get full retirement plus medical benefits.

Perkins' assignments at Corrections have been: Third Shift Floor Security for five years; Third Shift Booking for six years; and First Shift Booking Floor. In addition, he has been on the SORT team, participated in the Field Training Officer Program, is a CIT Instructor/Peer Support Instructor and Person-First Training as well as Verbal Judo Instructor.

When he was selected for the Training Academy, he believes it was based upon seniority plus in an interview as well as being able to complete a physical agility test. He sent an email to bid for the position.

Perkins taught as an FTO for some time. He stated that he may not be the most refined teacher but has a tremendous amount of real-life experience to share with new officers.

He currently teaches First Aid, CPR, Verbal Judo, Kentucky's State Laws, Searches, Inmate Disciplining and Force on Force.

He noted that previously the Training Academy was used as a mechanism to weed out people who didn't need to be or shouldn't be corrections officers. That is currently not the case.

With regard to sexual harassment, he noted he has seen it when working in the jail facility. He stated that it's sometimes hard to differentiate between what is appropriate and what is not. Corrections officers use friendly banter as a way to de-stress. He noted that people now take things more seriously.

It was his opinion that the recent 30-minute sexual harassment training consisted of scare tactics. He again noted that friendly banter is used to deal with the stress of the job and to decompress. He also noted that most employees at the jail facility have alpha personalities.

Perkins believes that the Person-First Training now offered which deals with "it's okay to talk about your feelings" is a good course. In addition, a course called Corrections Fatigue is also a great course which stresses the need to take care of oneself. When interviewed, Perkins was still a temporary instructor at the Training Academy. He was working two days at the jail and the other shifts at the Training Academy. Perkins described the current training staff as good and an Officer Dotson as a very good instructor. Perkins also noted that currently Sgt. Jones is doing the work of a captain and sergeant since the training captain is off on maternity leave.

He described the prior jail leadership as not pro-officer. Particularly, he noted that the staff working directly under Director Clark did not seem to be pro-officers and, unfortunately, Director Clark tended to listen to his staff which was dismissive of the problems occurring at the jail by Corrections personnel. Perkins noted that Director Clark was aware of a personal problem he was experiencing and would call him once a week. Clark took time to help him. He very much appreciated that.

He described the current administration under Director Collins as having been much better. He thought it was helpful that Director Collins had a variety of experiences at the jail in different capacities to include the SORT team. He described Director Collins as being a good leader for whom he has total respect. While working at the jail facility, he heard that

Maj. Goodlett refused to feed one of the dorm rooms. He described Maj. Beeson as being awesome.

Perkins has been a “union man” his whole life. He supported Tracy Dotson when he was president and now supports the current president, Daniel Johnson.

When Perkins started at Metro Corrections, people were proud to wear the uniform – they had a sense of pride. That has eroded over the years and Perkins is now trying to restore that pride.

Under Director Collins, there have been many improvements. Morale has been very low at the Corrections Department due to mental and physical fatigue and lack of support by leadership. He believes that Director Collins is trying to improve morale at the facility.

#### **Donna Parker – Director of Human Resources, Polk County Sheriff’s Office**

Parker advised that the Polk County, Florida, Sheriff’s Department has established a “one-stop onsite job fair” procedure which has been very successful. The program provides that if an individual comes to a job fair at which they are attending, the Polk County Sheriff’s personnel at the job fair will have a laptop whereby an individual can complete the job application onsite at the job fair. The application is then reviewed at the job fair and preliminary criminal history, driver’s license, court records and research of intel files are conducted while the person is at the job fair. Polk County Sheriff’s deputies will then interview the applicant if the preliminary background information comes back without any negative information. If the applicant passes the interview at the job fair being conducted by department detectives, the applicant is scheduled for all testing required and given an offer of employment at the job fair conditioned on they pass all the required tests.

Additionally, they have developed recruiting placemats which they provide to entities requesting the department to sponsor an event. The placemat includes information about the department including available job opportunities and salaries offered. These placemats are used by groups such as the NAACP at various events conducted by them throughout the year.

## POLK COUNTY SHERIFF'S DEPARTMENT RECRUITING PLACEMENT



### **Eishian Rodriguez - Training**

Rodriguez is originally from Puerto Rico. She attended Brown Mackie College in their Criminal Justice Program. In 2015, she was hired by LMDC. She worked the second shift as a floor security officer. She was also on the Special Operations Response Team for three years. In August of 2020, she was transferred to the Training Division. The physical assessment component to become a training instructor was to do a 500-meter row on the row machine, flip a large tractor tire five times and drag a dummy the designated distance. When she was transferred to the Training Academy, she had no teaching experience. She went to ASP School as well as GST School.

Rodriguez does ASP, GST, Search, Restraints, and CRIPA training for new recruits. CRIPA stands for Civil Rights of Institutionalized Persons Act. This is a federal statute that enables the U.S. Department of Justice to come in and investigate violations of inmates' civil rights.

She currently is also assigned the responsibility of scheduling outside instructors for the Training Academy. Prior to coming to the Training Academy, she did have one disciplinary action concerning her failing to perform an armband count of inmates at the jail.

When asked about sexual harassment training, Rodriguez seemed to minimize the importance of this. She stated that corrections officers often use sexual banter as a way to destress and build comradery. She did not indicate that the recent 30-minute sexual harassment

training was that beneficial. She noted that recently a recruit was dismissed from the class for saying to a female that she could only get promoted at LMDC by “kissing ass or sucking dick.”

Rodriguez stated that she did not know the formal process for reporting sexual harassment or where it is in the policy manual. She did state that she would feel better if females could report sexual harassment to a female rather than a male supervisor.

### **Michelle Sogan**

Sogan advised that she has been the victim of sexual harassment several times while working at LMDC. She was interviewed in the presence of her attorney who stated her name could be used in this report. She stated that LMDC has a toxic environment for females. Females are referred to as “new meat.” She stated then when she was going through the Training Academy an instructor said that a picture of her was circulating at the jail.<sup>117</sup> She heard rumors while at the Academy that some male officers at the jail were saying “can’t wait to meet her” because of the pictures. One of the first officers she encountered at the jail said to her “Heard you like dark chocolate, you’re fine as f...”.

An officer at the reception desk asked her if he could get a copy of the picture that everyone was talking about.

Another officer, a sergeant, approached her in a control room and said, “You need an older man that can take care of you.” She responded that he was old enough to be her dad. He was offended by her response. Thereafter, she felt uncomfortable working with him. She also noticed a change in his demeanor toward her and appeared to ignore her. Her captain told her, “You need to work together.”

Sogan identified three different officers who had sexually harassed her. She was forced to work with those who had harassed her despite her request that she not be forced to do so. She finally contacted an attorney to help her with the situation. He filed lawsuits against Metro Corrections and the three officers. A copy of the complaints filed are attached as exhibits.<sup>118</sup>

She was able to obtain the personnel file of one of the officers involved in sexual harassment but did not see any mention of that in his file. She thought “what are they covering up?”

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<sup>117</sup> The picture was taken from her Facebook page.

<sup>118</sup> See Exhibits 3-A, B and C.

She mentioned an officer was bringing drugs into the jail. Jail video showed him going outside to pick up drugs. After that incident, the officer was not seen at work, but she thought he should have been prosecuted for his actions. She also described a situation involving another officer, a female, who she believes was having a sexual relation with an inmate. This female officer would get the inmate out of his single cell and go with him to a closet. Another officer served as a lookout and alerted them that a lieutenant was coming to the floor. She believes PSU investigated the matter but doesn't believe the person serving as the lookout was disciplined and continues to work at LMDC.

She stated that she has observed other issues at the jail to include broken intercoms, cell doors not being locked, cameras not working, and elevators not working. Also, drugs had been getting into the jail from mail being sent to inmates. She believes that investigations involving illegal activities inside the jail should be investigated by an outside agency.

She noted that former Assistant Director Baker's wife worked at the jail as a caseworker. She believes the caseworker was providing inmates with copies of mail, hygiene products, toothbrushes, and other items rather than the inmates getting those items through the jail system.

In the past, nothing was done to support officers who administered CPR to inmates. That seems to be changing under Director Collins and Major Gilbert who are more focused on officer wellbeing. She believes Director Collins cares about the employees, unlike the former administration.

### **Nadiya Peake**

Peake is an officer working for LMDC. In August of 2019, a corrections officer "grabbed her rear end and tried to force her to sit on top of him as he was sitting in a chair." Peake went to a control room to get away from this officer. A short time later, Peake was walking in a hallway that was completely dark. She encountered the officer mentioned above who was asleep in a chair. When she went to wake him up, he again grabbed her and attempted to force her to kiss him. Peake told him she was not going to do that and then reported the incident to her lieutenant. The LMPD Professional Standards Unit (PSU) initiated an investigation. During the pendency of this investigation, Peake came in repeated contact with the offender despite her protests that the two of them be separated. Peake stated that her lieutenant told her that he was going to keep putting them together until they learned to get along. Ultimately, the offending officer was

recommended for a ten (10) day suspension. Peake filed a lawsuit against LMDC in October of 2020. The case remains pending. Peake's attorney provided a copy of the complaint filed in the lawsuit.<sup>119</sup> He also stated that Peake's name could be disclosed since the matter was of public record.

### **Katherine (Katie) Stone – Wellpath**

Stone is the Associate General Counsel for Wellpath and works at their corporate headquarters in Nashville, Tennessee. She was contacted by telephone to work through an issue about obtaining the Wellpath Standards of Procedures (SOP) in place at LMDC. A request to Wellpath employees at LMDC was denied. At the conclusion of the telephone call, Stone agreed to provide the information needed.

Additionally, Stone stated that previously she had been the general counsel for the Nashville Sheriff's Department prior to becoming employed by Wellpath. She provided an overview of some of the highlights from the Nashville Sheriff's Department which operates the jail in Nashville. She stated that there is no union or FOP involved at the facility. For a long time, they operated with an antiquated jail but within the past years have opened a new jail which is very modern. As part of this new facility, a Behavioral Care Center was built whereby mental health patients could be cared for. Before entering the jail itself, there is an assessment of whether the person arrested should go to jail or to the Behavioral Care Center. Persons being treated at the Behavioral Care Center receive their behavioral care plan. If they follow the care plan, their charges are dismissed and expunged.

She noted that jails are the biggest mental health institutions in the country.

Before the new jail was opened, all staff members, including herself, spent the night in the new jail. She said this was not only a teambuilding exercise, but it gave everyone a better understanding of what the inmates experience.

Persons sent to the Behavioral Care Center do not wear jail uniforms and the corrections officers wear scrubs rather than police or military looking uniforms.

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<sup>119</sup> See Exhibit 3-D.

## **VIII. FACILITY VISITS AND INSPECTIONS**

### **A. COMMUNITY CORRECTIONS CENTER REVIEW**

The Community Corrections Center which was closed during the COVID pandemic previously housed 450 inmates. It included two gymnasiums with open air and sunlight from the upper portions of the gym facilities. Each dorm housed approximately 40 inmates.

The facility was considered a privilege because of the various improved amenities that it had compared to the main jail facilities.

The center was primarily used for low-level offenders and persons who were placed on work release by judges. The facility included washers and dryers for the inmates to use, vending machines, change machines, microwaves, and greater freedom to walk around the facility. Persons who were on work release would be able to leave during the daytime and return after their work shift.

All inmates coming back to the facility were strip-searched, required to perform a portable breath test, and go through a body scanner.

The facility also included a work crew program whereby three to four inmates would be transported by a corrections officer to go out into the community to mow lawns and grass which were the responsibility of Metro Government. The primary areas were in the subsidized housing units owned by the city. The road crews would also conduct litter cleanup and assist with cleaning police officers' cars in which inmates had vomited or gone to the bathroom inside the patrol cars. Corrections officers generally liked assignments to the CCC because they were dealing with inmates who deemed being housed at the CCC a privilege and would be much less inclined to be disruptive than the inmates at the main jail facility. Inmates paid rent to stay at the CCC based upon what a judge ordered them to pay per week.

All doors in the facility providing ingress and egress into the facility were locked 24/7 with magnetic locks. This is a contrast to the main jail where the public can walk into the lobby of the main jail 24/7. During the tour of the CCC, a new body scanner was observed in a room but not currently being used.

The dorms in the CCC were larger than the dorms in the main jail facilities. They also did not have inmates sleeping on the floor generally as compared to the main jail facilities.

Within the facility, there were sewing machines with which inmates would repair corrections officers' uniforms at no cost to the corrections officer or the Corrections Department. Now the officers either must go to their own tailor or a corrections officer in the maintenance area will sew on patches for the corrections officers. The CCC also had a library area from which inmates could obtain books and magazines. This contrasts with virtually no reading material being available for inmates in the main jail facility. The CCC had a medical unit very similar to what is provided in the main jail facilities; however, the rooms appeared to be larger and provided somewhat more privacy. Within the facility, inmates also had access to an ice machine and refrigerators in which they could store food that they purchased while outside the facility.

During the visit, it was observed that some of the K-9s were in the kennels in different areas of the community center.

The facility provided inmates with a plastic bin into which they could put their personal items. If their items could not fit into the plastic bins they were given, the remainder of their property was stored in the Property Room. These bins would then be housed underneath the inmates' bunks. This contrasts with what is currently done in the main jail facility in which inmates are provided greater latitude to keep clothing and personal items.

The restroom facilities were a bit more private than seen in the main jail facilities. The dorms were also larger than the dorms in the main jail. Interviews with many officers throughout this investigation as well as the people who provided the tour of the CCC, highly praised the facility and the programs provided at CCC. They believed that the CCC facility was an excellent option for housing inmates and suggested that the facility be re-opened. It reduces crowding at the main jail facility and encourages better behavior by the inmates because it is deemed a privilege for them to be housed there. It also gives corrections officers an opportunity to be removed from the generally very stressful environment at the main jail facilities.

Numerous pictures were taken of the Community Corrections Center which are included below.

## COMMUNITY CORRECTIONS CENTER

Open Air Gymnasium



Dorm Room and Recreation Area



## COMMUNITY CORRECTIONS CENTER

Refrigerators for Inmates



Vending Machines for Inmates



## COMMUNITY CORRECTIONS CENTER AMENITIES FOR INMATES

Vending and Microwave



Washer, Dryer, Pay Phone



During the tour of the Community Corrections Center, the following information about the main jail facilities was shared by the officers providing the tour and encountered along the tour:

The main jail lobby doors are open 24/7 and manned by one person many times on the evening shift and on the weekends. This is in contrast to how security was maintained at the Community Corrections Center where all doors were locked with a magnetic lock that a corrections officer would have to unlock the doors from inside before anyone could gain access to the facility. This heightened security was used at a facility where lower offenders were housed as compared to the more dangerous and serious charges of inmates housed at the main jail facilities.

It was related that some years ago the Corrections SORT team conducted an exercise at the main jail whereby a “stranger” entered the lobby area and shot the person at the front desk and then moved to the stairwell behind the reception desk where the person pushed an intercom and gave a name of an employee within the institution. The doorway by that intercom was unlocked based upon the verbal statement of who was at the intercom.

Employees coming to the main jail are supposed to wear an ID badge, however, some upper echelon employees do not do so. Also, some vendors are able to enter the facility without

ID badges. Metro Government officials and Council members are not subject to going through the magnetometer or required to wear a visitor's badge.

Contractors coming into the jail facility are not searched and most times do not go through the magnetometer. Employees are currently not subject to random drug dog searches as they come into the facility.

This is in contrast to a procedure used by the University of Louisville whereby employees must use IR badges to gain access to the facilities. When they swipe their badge, they are tracked in the system as to who they are, where they are and when they entered the facility. It was their opinion that the main jail facilities have less security than the UofL medical facility.

Also, some employees go outside doors of the Corrections facility and then reenter through those side doors without being subject to searches or going through a magnetometer.

Recently, there was a fire in a single cell on the booking floor. The inmate started a fire using paper money and a lighter that he snuck in and once he had the fire started, he threw his pants on the fire. The smoke detector in the cell was not operational. Someone detected the fire, and the fire was extinguished. The inmate was able to get the money and lighter into the facility because when they came in through the booking area they were covered in feces and not subject to stringent searches by the employees.

It was also explained that many inmates are frequent inhabitants of the jail facility. They related that there was an inmate who over the past 16 years has been in and out of the jail at least once a month. The inmate suffers from mental illness and really needs to be in a mental health facility. LMDC is considered the biggest mental health and detox facility in the Commonwealth. It was suggested that a mental health facility be constructed.

Many of the inmates with mental health issues will be released and given a court date at which time they are to report back to the court. However, many of these inmates frequently ignore the court date and then are arrested by the police on a bench warrant issued against them. Many of these mental health patients are arrested again and again.

It was also related that previously officers assigned to the mental health area in the main jail facility enjoyed walking in the area, got to know the patients, would talk to them, and develop a rapport with them whereby it was easier to maintain these persons in the mental health care. Now it seems that the officers are afraid to be assertive with these mental health patients and lack the desire to develop rapport with them or get to know them. Instead, many officers on

station have been observed on their computer or watching YouTube videos rather than developing rapport and getting to know the inmates.

It was recommended that the computers within the main jail facility be limited to websites necessary for individuals to do their job and eliminate the ability of officers to watch music videos or other entertainment during the course of their employment shift. There is a current Metro Government policy that prohibits employees from watching online videos during their employment shift unless it is related to their employment and authorized by their supervisor.

It seems like the jail is very reactive rather than being proactive to prevent many of the issues occurring. It also appears that the current medical personnel don't listen to the nurses.

Recently, the mother of an inmate delivered fentanyl near the loading dock on the Hall of Justice side of the jail facility. This is in the area where the dumpster for the Hall of Justice jail is located. Post orders require an officer to accompany inmates who are taking trash out to the dumpster but oftentimes the officer will stand inside the doorway as the inmate takes trash to the dumpster. There is a policy that when the inmates go out of the building they are to be searched when they go out and searched again when they come back in. This is not being done.

Also, policy requires that when inmates are moved from one floor to another that they be searched when they leave that floor and searched when they go to the new floor. This seldom happens even though it is in current policy.

It is believed that many corrections officers rely too much on magnetometers/body scanners rather than doing physical searches. The statistics on items captured through pat downs versus what is caught by the body scanners will be provided. It is believed that searches are inadequate at the jail facility and that corrections officers need to get back to the basics of being a corrections officer which includes stringent searches of persons going in and out of the facility.

On January 18, 2023, there were two females who overdosed in the jail facility. They were located in different dorms. One of them was determined to have taken heroin. Again, this indicated a flaw on keeping drugs out of the facility. Statistics on the number of overdoses that do not result in deaths will be provided.

Numerous pictures were taken of the Community Corrections Center which will be included in the written report.

## **B. TRAINING ACADEMY FACILITY REVIEW**

The training facility itself is somewhat antiquated and insufficient for the needs of conducting both recruit and in-service training. The classrooms are extremely small and windowless. The training facility is in a building shared with LMPD and other Metro Government entities. The facility does not have adequate office space for all the instructors. Some instructors share desks and offices. The breakroom in the facility is also being used as an office. The main classroom is small, windowless and did not appear to be a good learning environment. There are pillars in the room impacting line of sight. There is an area in the building that appears to have been a garage that has been converted into a physical training room and area for boxing and other defensive tactics training.

The classroom used for in-service training is very small and cramped. It is in a windowless room. The instructor has a very small space in which to stand to teach, approximately 4 feet of space. This places the instructor almost in the person space of the students. The room was not conducive to an optimum learning environment.

There is a very small breakroom for students to warm food in a microwave and to eat their lunch.

## **C. MAIN JAIL REVIEW**

During the first visit of the main jail facility on May 25, 2022, the visit began in the sally port area which is the receiving area for prisoners entering into LMDC. The process of intake was described in detail. Photographs were taken of the sally port area and the entry point into LMDC. The breathalyzer workroom was shown as well as the paperwork required to process someone for the breathalyzer test. The new body scanner was demonstrated. The new body scanner has additional artificial intelligence built into the system to include storing images to compare with other images in the future.

The exterior control room was examined and found to be very dark, crowded and a transformer on the wall was humming throughout the visit. The video screens for the cameras the exterior control room was responsible for were shown. When asked the total number of cameras the control room officers were responsible for watching, the total number was unknown. Due to the number of cameras each control room is responsible for monitoring, the video screens

are unable to display all cameras at the same time. In each control room visited, the officers in charge of the camera monitoring were unable to state the total number of cameras for which they were responsible. Again, each control room monitor displays almost half the number of cameras for which the officer is responsible to monitor.

The booking process was demonstrated to include the area where strip searches are conducted, photographs taken, fingerprints taken and the process by which inmates are assessed both medically and for any mental health conditions.

The booking area is a fairly large open space where both female and male inmates are commingled and able to wander around. The medical desk where new arrivals are assessed both medically and for mental illness is in the public area in which all newly arrested persons can walk around. There is no private area routinely used to interview new inmates regarding both mental and physical health issues.

The tour also included a walk through the Records Department. It was noted that the intercom from the Records to the processing area was not working. There were several other intercom systems throughout the building that were not working. It was determined that one of the cameras in one of the elevators was not working. Employees also mentioned that an elevator in the main jail as well as one in the Hall of Justice jail had been out of service for months and the other out for a year.

The movement of the elevator from floor to floor is governed by hand signals the corrections officer inside the elevator shows in front of the camera inside the elevator. The control officer in the control room then moves the elevator to the floor designated by the number of fingers shown in front of the camera. Throughout the visit, it was seen that there are numerous areas in the jail where camera viewing is inadequate. One of those areas includes the sally port in the Hall of Justice facility. The cameras in the kitchen area are very old. Staff advised that there were seven cameras in the facility that were not working. In the stairwell from the reception area up to the administrative offices on the third floor, there are no cameras in this stairway. Anyone getting past the reception desk could progress up the stairway without being observed by cameras.

It was observed that there is a lack of cameras in the mental health area and a lack of cameras in the walkway near the mental health area.

In one control room, the control room officer was responsible for 120 cameras, however, only 44 of those cameras were displayed on the video screen being observed by the corrections officer. Another corrections officer in the control room was responsible for approximately 200 cameras but had only 45 shown on the monitor they were watching.

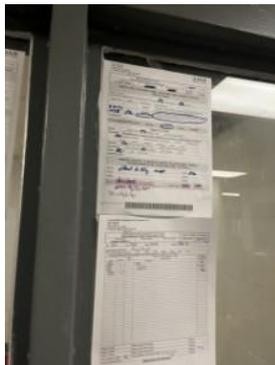
In the commissary area, there was only one camera that had numerous blind spots whereby persons could not be seen and able to insert contraband into commissary bags without being seen by the cameras.

Throughout the jail facilities, there were printed “observation forms” used by corrections officers to manually note the time when they were checking on inmates. This use of paper observation form is archaic in today’s technologically driven society. It also provides the opportunity to falsify records which occurred in some of the death cases reviewed. The jail is currently working on changing this to a more modern system. Below is an example of the forms and illustrates how they are posted throughout the jail.

## PAPER OBSERVATION FORMS TO CONFIRM OFFICER’S REQUIRED INMATE CHECKS

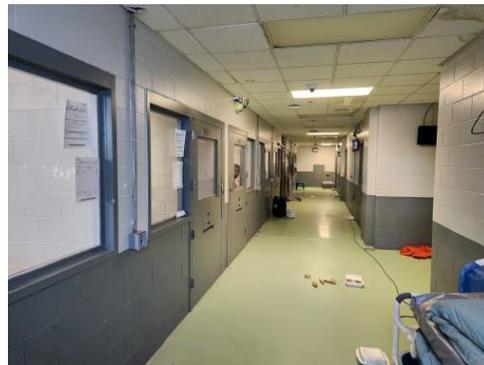
Top sheet lists precautions for inmate

Bottom sheet for recording time, date, and observations



Observation Forms on Windows

Mental Health Cells



The property room in which the property officers work is completely windowless. All property taken from an inmate on booking is stored in the property room. It appeared there was insufficient room to properly store the property. One officer noted that there had been an inmate whose property had been stored in the property room and when they were transported to another

jail using the clothing that they had when they were arrested, the inmate found drugs in the clothing which he took on the way to the new jail facility.

There were two instances where an inmate was being held for Bullitt County and redressed into their clothes which had fentanyl inside. Not only does this pose a safety hazard for the inmate but the safety of the corrections officers. The Safety Committee has recommended that inmates be transported in disposable suits.

The Medical Unit was staffed by seven nurses and they were responsible for 52 patients. There's one corrections officer assigned for the safety of the 52 patients. Mental health patients who are a suicide risk are listed by the dangerousness to themselves. The person being designated as most acute is required to be checked more frequently than those for which a lesser concern is determined. Some of the mental health patients who are required to be observed around the clock had inmate "watchers" outside of their cell monitoring them from outside. It was observed that these work aides-trustees were somewhat lackadaisical and at times appeared to be dozing.

These work aides-trustees observed the inmates from the exterior and do not go into the cell to check on the status of the inmates who are required to have the constant supervision.

During this visit, it was determined through interviews with the control room personnel that all of them were working a 16-hour shift. At one of the control rooms, a corrections officer was responsible for monitoring 60 cameras. They stated that they had not been able to take a break due to staffing levels in the jail that day. All the control rooms visited were small, dark, dank, rundown, and cluttered offices. In each control room, the corrections officer monitoring the video screens had the overhead lights turned off. The control room officers stated that the fluorescent lights were hard on their eyes and illuminated for inmates outside the control room to see them.

In many of the control rooms to prevent inmates from looking into the control room as the inmates walk by, corrections officers had placed plastic sheeting over the interior of the windows. This further reduced light coming into the control room and presented an atmosphere as if they were working in a construction zone.

It was stated that the corrections officers had requested that window tinting be placed on the control room windows. Some of the control room windows had evidence of this being installed. It was stated that former Director Clark disapproved of putting window tinting on the

windows and that process was discontinued which resulted in the officers draping the plastic sheeting as noted above.

In each control room when corrections officers were asked about the need for more cameras in the jail, many agreed that additional cameras were needed; however, additional personnel would be needed to monitor those cameras because they currently are unable to monitor all the cameras currently in place. On the third floor, there were 326 inmates with three officers responsible for them plus a corrections officer in the control room.

On the third floor the dorms had 18 bunks built into the dorm areas, however, it was stated that these dorm rooms frequently hold up to 30 inmates and at times have housed 50 inmates. Those not getting a bunk are required to sleep on “plastic boats” onto which a small mattress is laid. Sometimes a small mattress is placed directly on the concrete floor.

On the floors that contain a gymnasium, there is a gym officer assigned. It was determined that due to staffing issues inmates had not used the gyms for a long time because the gym officer was required to handle floor security instead. During the visit, the area housing the Special Operations Response Team (SORT) was shown. It was stated that generally it takes five to seven minutes for the SORT team to respond to a critical incident within the jail facility.

One of the lieutenants stated that he was responsible for 60 employees. It was learned during the walkaround that at times a corrections officer will believe an inmate needs to be transferred to another floor especially if they have mental health issues, but other staff may disagree with the corrections officer and the person remains in the cell assignment into which they were placed when arrested.

Throughout the tour, most corrections officers encountered stated that they like their job. Several of them noted that they started at LMDC because of the retirement program in place at the time they were hired which permitted them to retire at the end of a 20-year service. Some lamented that under the current system they must work at least 27 years which can be a significant challenge working in the stressful environment within a jail facility.

Most corrections officers encountered stated they liked their jobs but wished they had better work conditions. A large majority of personnel encountered also indicated they were pleased with the new director and what he was doing to improve working conditions.

On the fourth floor, the inmate count was 400 people. The officers encountered stated they were working 16-hour shifts. On the fourth floor with the 400 inmates, there were only two corrections officers on duty. If one took a break, that left only one officer on the floor.

Inmates who have court hearings are walked by corrections officers to a meeting point where they are turned over to sheriff's deputies for transport to the courtroom. Following the court hearing, the sheriff's deputies walk the inmates back to the same point and return the inmates to the custody of the corrections officers who take them back to their cells. At the time, inmates returning from the court hearings were not frisked or patted down on their return to the jail.

Many of the workstations for the corrections officers were very small. The desks and chairs were very old and dilapidated. Some of these workstations are within inmates' areas and not safely segregated from the inmate population.

Throughout the tour, it was obvious that the design of the jail made it difficult to observe what inmates were doing. There were blind spots and corridors that one must travel down and turn a corner to observe a wing of dorms or cells. During the tour, it was determined that one of the sliding cell doors to a dorm area was not properly locked. The corrections officer assisting with the tour pulled on the door and it opened when it should have been locked.

The "mailroom" was reviewed. It consists of a very small office in which two desks have been placed and a sorting area into which two desks have been placed and two corrections officers work from these locations. The mail is brought into this office space and the two corrections officers open the mail on their desks. The mailroom is not segregated into a space by which any contaminants dispersed when opening the mail would be prevented from escaping from the office space. There is no exhaust fan or negative air pressure chamber to protect the corrections officers opening the mail. Any drugs such as fentanyl contained in an envelope could spill onto the corrections officers, their desks, the floor or into the air. The current process is that all mail is opened by the corrections officers to assess whether there is any contraband in the mail such as drugs or inappropriate pictures. Once opened and determined not to contain any contraband, the mail is copied, and a copy is then given to the inmates. This procedure of copying the mail was instituted two months prior to the visit. It is a time-consuming process.

Legal mail is delivered to the inmates in the original envelope without viewing by the corrections officers. Prior to the new process recently put into place, the original envelope and

mail were also delivered to the inmates. Since the implementation of the new policy, there's been a reduction in the mail received at the jail. In the past, inmates have had family members or friends soak the letters in various drugs such as spice and fentanyl and then mail it to them. At times, family members and friends have photocopied legal stationery and written on the exterior of an envelope that it was legal mail. This method was used by inmates to get contraband into the jail facility.

On the fifth floor as in other control rooms visited, the control room officer was monitoring on his screen 38 cameras.

The Home Incarceration Program (HIP) office space was visited. The captain stated that they were currently responsible for 650 people who are on HIP but only had 12 officers to ensure the 650 people are accounted for. It was stated that there should be eight corrections officers per shift in the HIP office on a regular basis. Ideally, the HIP officers should do home checks to verify that the inmates are where they are supposed to be. Under the prior administration, they did not want the HIP officers to conduct these home checks or street patrols. Inmates returning or arrested for violating the HIP program are frequently found to have in their possession drugs and guns. Many of the cars used by the HIP officers do not have emergency lights in them.

They believe that they have been provided with inadequate old equipment to do their jobs safely. It was stated that the prior administration would not let them replace equipment or obtain the necessary equipment for the safety of the officers. Each officer in the HIP is responsible for up to 70 inmates. The inmates wear an ankle bracelet that sends an alert to the HIP office if the bracelet is removed or the person wearing the bracelet leaves the approved designated area. Ideally, when this occurs, HIP officers should respond to address the situation but due to staffing issues, that is not always done.

In the Maintenance area, it is currently staffed by four officers and a sergeant. Officers bid for a position in Maintenance and they are awarded the position based solely on seniority. It was noted that this is an inefficient and ineffective way to address maintenance issues as persons with specialty skillsets may be precluded from becoming part of the Maintenance Unit because they lack the seniority. It also creates a need to use outside contractors more frequently when staff do not have the requisite skillsets to handle the job.

In many instances, the maintenance issues require the assistance or handling by an outside contractor. It was noted that many issues are handled by outside contractors. When

these outside contractors come into the facility, the maintenance officers accompany them to the area in which the item or equipment needs to be repaired. The maintenance officer stands by as the contractor does the work. Throughout the tour, it was stated that there were various maintenance needs throughout the facility that had not been addressed either due to lack of funding or personnel resources to handle the work. Currently, there is not a master list of maintenance issues, but the Maintenance Unit responds to emails concerning issues.

In the kitchen area, inmates designated as “work aides” prepare all the food for all the jail facilities and are paid \$5 per day. The kitchen area is staffed 24 hours a day due to the need to prepare so much food and have it ready for the early morning breakfast time. The work aides have free roam of the kitchen area and adjoining areas. They also have their own living space which consists of individual cells with barred doors and no windows. In this living area, many of the doors into the jail cells were covered with blankets or blankets were hung from bunks preventing a corrections officer from observing what was going on in the jail cell.

The work aides help to unload trucks and take trash out to the dumpster. The dumpster area was shown. This area was open to the public and provided a means by which persons outside the institution could drop contraband near the dumpster or the loading dock which inmates could obtain when they were emptying trash or unloading carts. This appeared to be a significant security lapse. The corrections officer is supposed to accompany the work aides to the dumpster, but it was observed this did not occur on the day of the visit.

A private company, Trinity Services Group, oversees the food service program. There are approximately 1400 meals per service that have to be prepared and delivered. Trinity Services Group provides civilian employees to work in the jail control room observing what is being done and also use the computers in the control room to order supplies. These food workers enter through the front door of the building but did not go through a body scanner nor are they subject to pat-down searches. This too appeared to be a security lapse which would enable contraband to be brought into the facility and delivered by the food trays.

The commissary was in the subbasement of the Hall of Justice building. It had no windows to the outside. It consisted of a main area where food supplies for commissary bags are stored and packaged for delivery to the inmates. The design of this room consists of pillars and obstructions so that the one camera in the commissary area has limited viewing of personnel in this space. There is an office off the main commissary room in which civilian supervisors work

which also does not contain a camera. During this visit, while inmates were in the commissary area, some scissors were located on the desk in the main commissary area. There was no tracking of the scissors and could have been secreted on one of the commissary inmates for transport into the jail facility. Throughout the tour of both the main jail and the Hall of Justice, very old security cameras were observed.

There are currently 12 officers certified to operate the breathalyzer machine. They require at least one certified officer on duty. If no one on duty is certified, they call in someone to work overtime. These officers coming in are paid double time pay.

It was stated that the main control room personnel had filed an air quality complaint about the control room which was referred to the Metro Health Department. The main control room, like all other control rooms in the building, had an atmosphere not conducive to the positive mental health of employees. All the positions in the booking area are bidded positions whereby a person with the most seniority would be selected for openings.

The third floor of the main jail holds the cells that are considered program cells. They are on a floor where programs such as GED and drug addiction programs are conducted. Under Director Collins, a dorm was established for a program called "Operation Valor" whereby veterans who need special assistance are housed.

One of the program directors was met in the hallway. He noted that the Valor Program is a means by which they can get additional help to veterans who may suffer from mental health or drug issues. The programs in the jail are designed to help reduce homelessness on the street and address drug and mental health issues.

Due to staffing issues, at times a sergeant may be responsible for two floors of the jail. That can amount to 600 to 700 inmates. There are eight floors in the jail facilities but only five to six sergeants are normally on duty.

Although the jail has a gym facility, the gym was not used for months due to staffing issues. When the gym is operational, it is limited to 20 people per visit for one hour.

Most floors have what are called post orders. Many of these are antiquated or out of date. They are attempting to create manuals for each floor assignment. There are times when there are only two people assigned to a floor.

During the visit, the supply room was reviewed. Supplies are ordered by a corrections officer with the rank of sergeant. Throughout the various tours of the jail facilities, it appeared that it was staffed by competent, caring, and motivated staff.

Overall, the facility itself is very outdated. It is based on a linear design concept in which inmates are separated from the correctional staff who can only directly observe the inmates intermittently. Photos were taken throughout the facility to document the conditions of the facility.

Throughout the tours, a common theme from those encountered was the lack of adequate staffing. Virtually all employees who were encountered stated that they were working mandatory overtime shifts. In the opinions of several employees, mandatory overtime is not distributed equally among corrections officers as those assigned to non-security related duties were not subject to forced overtime the same as those assigned to inmate floors.

During the tour, both floor security officers and their sergeants stated that they are often not aware of the results of an investigation involving drug overdoses or deaths in the facility. Specifically, they were often kept in the dark about how drugs were introduced into the facility which may assist in preventing similar instances in the future. In addition, staff encountered during the tour indicated that routine annual training has been slow to rebound post COVID.

After each jail visit, a meeting was held with Director Collins. In each of these meetings, he displayed great passion for what he is doing. He indicated a desire to have his personnel attend the formal leadership training.

#### **D. OLDHAM COUNTY JAIL REVIEW – JEFF TINDALL, JAILER**

Jeff Tindall has worked at the Oldham County Jail for 20 years. He was elected as jailer in November 2022. He noted that there are 120 jailers in the state of Kentucky. Only Louisville Metro Department of Corrections and the Fayette County Corrections do not have jailers running the facilities.

Tindall stated that he barely knew former LMDC Directors Bolton or Clark, however, he knows the current Director Collins rather well. He noted that many years ago Collins and another LMDC employee, Ashby, were instructors at a training conference dealing with excellence in developing leadership skills. He said the course was excellent. LMDC used to

provide training at the Kentucky Jail Association (KJA) Conferences. This training was always excellent. For some reason, LMDC stopped participating with the KJA when Bolton became director. It was his opinion that Director Collins is an excellent choice to operate LMDC because of his leadership skills and familiarity with the jail facility.

The Oldham County Jail facility is a new standalone facility which was built approximately 5 years ago. The cost of the jail facility was \$53 million. In the five years that it has been operated, they've been able to get the outstanding bond paid down to \$25 million. Much of this reduction he attributed to the housing of federal prisoners and charges they place against inmates for certain services they receive. The jail facility currently employs approximately 40 employees. They are able to operate the jail with so few employees because of the way the jail facility is constructed. The current structure provides a direct line of sight down all corridors which enables them to operate with fewer employees.

One of the services they provide to inmates is called a Chirp Phone. This phone is provided by a company called Combined Public Communications. Inmates are charged ten cents for every text that they send by this phone. The company receives the majority of those ten cents per text, but the Oldham County Jail receives two cents for every text which can quickly add up to help with budget matters. In addition to receiving compensation for these text messages sent, the jail also has the ability to read the texts and search for key words. There have been instances where they have captured text messages in which an inmate has confessed to a crime while communicating with a friend or family member.

Every employee in the jail facility is provided with a radio. The building is constructed in a fashion whereby the radio transmissions can be received regardless of where an employee is in the facility.

The jail facility is constructed with IRD devices whereby when someone enters a closed area using a key fob it is recorded in a database that includes the employee's name, the date of entry into the room, location, and the time. There are heavy barred sliding doors that divide certain aspects of the jail facility that can only be controlled by the main control center. This enables the jail to minimize the likelihood of an inmate using one of the IRD devices to escape from the jail facility.

There have been only two deaths at the Oldham County Jail in the past 26 years – one in 1997 where an inmate died of a liver disease and one in 2021 from a drug overdose by drugs

consumed before entering the jail facility. In addition, in October of 2022, there were two deaths related to health issues predating the inmates' incarceration at the jail facility. They have not had any suicides at the facility. Part of the reasons attributed to this is the line of sight and camera system that the jail facility has built into it.

They have not had any sexual harassment complaints either by employees or inmates. All personnel are taught on the very first day of training that sexual harassment will not be tolerated. This is reinforced throughout their careers at the jail facility. They strictly abide by the PREA requirements. There are no blind spots within the facility because of the nature of its construction and design. Each block can be viewed by officers from a command center at the end of the corridor or the officer's station at the end of a corridor.

Inmates are not allowed to cover their bunks or occlude direct vision into the dorms to see whether an inmate is doing anything inappropriate in their bunk. The jail also strictly enforces that inmates must wear their uniform. Failure to comply with the rules of the facility may result in the inmate having his phone taken away from him or the TV and commissary privileges removed from the dorm. As a result, they have very few issues from the inmates.

During the hourly check of the cells, the officers must view each inmate and touch them to make sure they are doing well if sleeping in their bunk. Officers only go into jail cells if they have a two-person team available.

The jail was designed in this fashion to enable officers to be able to observe activities in the dorm better and to control the activities of inmates which can be unwieldy if too many inmates are placed in one dorm.

The detox cells are observed constantly by two cameras on each of the jail cells to include the interior of the jail cell. The mental health cells are directly across from the Medical Unit which has large windows which enables them to observe into the mental health cells. This reduces the likelihood of inmates hurting themselves. As noted, they have not had any suicides in the jail facility.

Tindall attributed the lack of drug overdoses to the stringent procedures in place when an inmate enters the facility regardless of whether it's at booking time or returning from a work crew program. Every inmate is strip searched, body scanned and run through a magnetometer anytime they enter the jail facility. This protocol is strictly enforced.

When an arrested person is brought to the jail facility, a deputy and nurse meet the officer in the sally port. They interview the inmate at that location to assess medical needs and suicide risks. This occurs before the arrested person ever enters the jail facility. If a person requires medical treatment, they are refused at the sally port and the officer is required to transport the person to get medical care.

Once the person is assessed in the sally port and deemed acceptable to be received into the jail, there are further inquiries made by medical staff concerning medical conditions. If the person is brought in because of the use of drugs or alcohol that requires detoxing, those inmates are placed in special cells that are closely observed by the jail personnel. Persons needing detox are not housed with other inmates until they are deemed medically able to return to the general population.

Similarly, persons with mental health issues are not housed with the general population until, and if, the medical personnel deem them medically able to be put in the general population. The jail also has a portion that was built to house inmates with communicable diseases. This area of the jail has a negative air pressure system whereby the air is exhausted outside and is not able to filtrate into the main jail facility thereby reducing the likelihood of other inmates being infected by the communicable disease.

All initial appearances of inmates are done by video. This reduces the workload of officers to transport inmates to the courthouse. The Oldham County sheriff does not charge for transporting the inmates to court.<sup>120</sup>

Tindall stated that employees, when hired, are inculcated with the importance of keeping the jail clean and treating the inmates as human beings. Tindall also stated that they try to develop a feeling of family with the staff members. Quarterly, they will do recreational activities outside of the jail such as bowling night, movie night, ax throwing and other events to improve the collegial nature at the jail. These quarterly activities include upper management of the jail.

During the tour of the jail facility, the staff members were greeted by the jailer and the employees seemed to be comfortable speaking with him. During the tour, several former Louisville Metro Corrections employees were encountered. One of the employees stated that he had worked at the Louisville Metro Corrections for 12 years. He decided to take a pay cut to

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<sup>120</sup> LMDC officials stated that the Jefferson County Sheriff's Office charges LMDC to walk prisoners from the jail to the courthouse.

come to the Oldham County Jail because of better working conditions. While at LMDC, this employee stated he did not ever see executive management. It should be noted that this employee left LMDC in 2018 and could not comment on the current jail leadership.

This employee also stated that another reason for moving to the Oldham County Jail was the schedule. They currently work 12-hour days which allows them three days a week off. They are also only required to work four hours of overtime per week. This has been extremely beneficial for this employee who shares custody of his children with his former wife. This employee also stated that he had worked for part of his employment with LMDC in the Community Corrections Center. He thought the CCC was an excellent augment to the main jail facility. It enabled inmates to transfer to this facility which included a better quality of life and, thereby, a better quality of people in the facility. The employee also noted that there are two restrooms on each floor block for the officers.

Another former LMDC employee stated that one of the reasons he prefers the Oldham County Jail is that it's less chaotic. In the Oldham County facility, everyone works together as a team and do not have specific job responsibilities. By this he meant that everyone is trained to do everything in the facility and will help other officers when needed and they do not have a "not my job" mentality which he encountered at LMDC. He specifically noted that he left LMDC because of the condition of the jail facility. The Oldham County facility is less stressful because of the facility and the teamwork mentality of the employees. Finally, this employee noted that in his early career at LMDC inmates were booked into the facility much more quickly than they are currently. He recalls a day when they took in 111 inmates and processed all of them quickly so that the police officers did not have to wait a long time to transfer the arrested person to the jail facility.

It was his opinion that the morale at the LMDC began being degraded under Director Campbell and continued and worsened under Director Bolton. The jail facility was built with large holding areas on each block to enable a dorm of inmates to be moved into these multipurpose rooms while searches are conducted of the dorm. This also enables the dorm to be emptied when a maintenance person must go into the jail facility to conduct maintenance or repair of a toilet. This eliminates the need for a corrections officer to stand over or with the maintenance person while the work is being performed.

Maintenance at the facility is handled by two Oldham County civilian employees. Tindall also noted that the jail was constructed in a fashion that almost all the utilities in each dorm area can be accessed from the floor above the jail facility. This makes it almost unnecessary for maintenance personnel to get into jail dorms or cells because the repair of HVAC and other utilities such as phones, internet and other facilities or services for the jail can be accessed in this area above the cells. This entire area is secured and has cameras throughout it. Again, the structure of the building eliminates the need for maintenance personnel to access the interior of jail cells except for occasionally the need to unclog a blocked toilet.

The jail facility also has several unique features built into the facility. One of the first benefits built into the facility was a room in which the police officers could sit down and write their reports and secure the prisoners out of the sally port area. This again provides an area for officers to do their paperwork and interview their arrested person to get additional information needed for the report.

The lobby of the jail facility has seats for people coming to visit the jail, so they are able to sit in the lobby. Also in the lobby is an area designed for children of inmates to play and read books while their parent has visitation via telephone in the lobby of the jail facility.

Also built into the jail facility were special showers that are totally encapsulated and provide ease of repair if necessary. These specially built showers have a system whereby soap and shampoo are automatically dispensed in predetermined amounts. The showers dispensers can be refilled very easily when needed.

Overall, it appeared the jail facility was constructed in a manner to reduce the number of employees needed, improved employee morale, and improved the ability to secure and provide safe housing for the inmates. As noted above, each dorm has a maximum capacity of ten inmates. Thus, if a dorm area needs to be searched or maintenance people need to get into that jail cell, only ten people need to be moved out of that dorm into a multipurpose room while searches or repair work are conducted in that cell.

The jail also has a kiosk system whereby an inmate's family member can deposit money into an inmate's account and the inmate can use those funds to order items from the commissary. The family member or friend can also use this system to send an inmate a gift basket with their favorite commissary items. This system is through Kellwell Food Management. Additionally, they have a video system in the jail lobby by which family members or friends can have a video

call with an inmate. Adjacent to these video devices is a play area that also includes children's books.

All jail laundry is cleaned and dried by an inmate who has a private living area in the laundry room.

Finally, the persons housed in the jail are referred to as "resident" instead of "inmate."

## **IX. OBSERVATIONS AND RECOMMENDATIONS**

**1. LEADERSHIP** – Exceptional leadership is critical to the success of any organization. Although it took an extensive outcry by LMDC employees and Metro Council to force a change in leadership at LMDC, new Director Collins appears to be providing the leadership woefully needed at LMDC. His passion to improve LMDC and support for his employees is palpable. In his short time as Director, he and his leadership team have made significant changes to improve security and safety at LMDC. His leadership has greatly improved morale. He has also improved transparency at LMDC to include inviting members of the media and civic activists to tour the jail and engage in discussions about how to improve the operation of LMDC. Metro Council approved a significant and much needed budget increase last year which has allowed Director Collins to purchase body scanners, additional security cameras and make other needed purchases.

*RECOMMENDATION: Empower the new director with the appropriate support and funding to correct the multitude of deficiencies that have developed over the years until a new jail facility can be built.*

**2. FACILITY** – It is of paramount importance that a new jail facility be built; this has been discussed for years without any action being taken; failure to do so exposes Metro Government to substantial civil liability; the millions of dollars that could potentially be paid out as a result of civil actions or federal government mandates could be better used to fund a new facility; a new and modern design would potentially reduce staffing needs; attract and retain employees; improve employee mental health; and provide a humane housing space for inmates the majority of whom have not been convicted of a crime; it's imperative that this new facility provide a separate pathway for those suffering from mental health issues who are arrested;

## RECOMMENDATIONS:

- a. *Provide funding to plan and develop a new direct supervision jail facility which includes a separate pathway of housing and care for those suffering from mental health issues who are arrested.*
- b. *Review reopening the Community Corrections facility or similar facility for housing non-violent offenders and reestablish work release programs; as part of this low-level offender facility reinstitute a work crew program which helps reintegrate offenders into the community and provides a service to help remove graffiti and trash that is a problem throughout the community.*

**3. STAFFING** – Time and time again during this investigation employees from all levels of LMDC, both sworn and civilian, repeatedly lamented the lack of proper staffing and the inordinate amount of overtime being worked was detrimental to their personal health and their family – work life balance; lack of sufficient staff and overly fatigued staff results in mistakes, cutting corners, and not adhering to basic security protocols, which in turn can result in inmate deaths and other liability creating issues for LMDC and Metro Government.

*RECOMMENDATION: Increase recruiting staff with qualified persons knowledgeable about the most effective and efficient recruiting modalities; establish metrics to assess the success of recruiting methods being employed; consider using training staff to assist with the recruiting process especially with conducting the physical ability tests for potential recruits.*

**4. RETURN TO BASIC SECURITY PROTOCOLS** – Many of the security lapses disclosed during this investigation are attributable to officers not performing the basic security measures required in a jail facility such as entering cells and dorms to interact with inmates and ensuring that those appearing to be asleep are not suffering from a life threatening condition be it naturally caused or an overdose; double checking to ensure doors are locked--twice during jail visits, the corrections officers providing escort discovered jail dorm cell doors not fully engaged in the locking mechanism--on one instance the dorm housed close to 40 inmates; on the day Major Gilbert was interviewed, he stated that he found a cell door not properly locked on his early morning visit to the floors that day; many attributed this lack of attention to detail to a mentality that developed during COVID to stay away from inmates; others attributed it to

lackadaisical attitudes or laziness. Director Collins stated he is aware of this issue and has made this a top priority.

*RECOMMENDATION: It is imperative that command staff reinforce and require basic security protocols be followed, and security lapses be thoroughly investigated, and persons held accountable for these security lapses; consider using training staff to periodically conduct random non-punitive security assessments which would also help the instructors learn what additional educational instruction might be needed for new recruits or veteran officers to concerning security protocol. Establish an Audit Unit that reviews and assesses compliance with security protocols and other LMDC policies and procedures. Audit Unit findings will assist management in identifying issues before they evolve into a critical incident as well as identify policies and procedures that may be needed or in need of revision as well as identify officers or supervisors who need remedial training or held accountable for security lapses.*

**5. MEDICAL CARE** – The jail facility is incredibly ill equipped to provide adequate medical care to inmates—both from a building design and current protocols in place. Medical care is provided through a contract with a private entity. Over the years these contracts have been with different entities, but often the same personnel remain in place with whatever company is awarded the contract. The current provider, Wellpath, was awarded a contract on August 1, 2019, for a one-year term with 4 potential renewals. The current contract is the third renewal which will expire on June 30, 2023. Wellpath competes with other outside hospitals and medical providers to fully staff with qualified candidates. Review of medical records related to the recent deaths at LMDC along with interviews revealed numerous issues that need to be addressed. Those issues are more fully discussed in the Medical Section of this report with appropriate recommendations set forth.

Staff also noted a lack of coordinated communications between medical personnel and corrections officers; lack of coordinated post-critical incident review; and lack of coordinated training with medical staff and corrections officers. In one of the death cases (Keith Smith) an officer stated, “I was instructed to find someone from medical due to there being no medical staff in nurse’s station or in the area.” On one of the visits to the jail, a medical emergency occurred on a floor, but it was apparent there lacked efficient means to notify medical resources. A

control room officer asked a floor security officer to locate a nurse currently on that floor and have her go to the floor where medical help was needed. There should be a better way of communicating with the medical staff to include all staff having radios to communicate with each other, especially in an emergency.

Inmates complained about the medical care at the jail facility. Some noted that they had received the wrong blood pressure medicine. One inmate stated that he had a broken tooth, and it took three weeks for him to get it pulled. Another inmate stated that he was given the wrong blood pressure medicine and was forced to take medications that were contraindicated because of other medications he was taking. Several mentioned that they were on prescription medications before incarcerated but did not receive that medication when incarcerated. In some instances, necessary medications were not provided for up to three weeks. In general, inmates complained that they had to wait long weeks to receive medical care.

#### RECOMMENDATIONS:

- a. *Review and implement recommendations set forth in the Medical Section.*
- b. *Explore the potential of entering into an agreement with one of the teaching hospitals to take over medical care such as done in other cities or to at least consider including a rotation at LMDC as part of their rotation for medical and nursing students. These rotations or internships would augment staffing and perhaps lead to recruiting opportunities as well as help to maintain awareness of new medical trends, techniques, and best practices.*
- c. *Review timeliness of medical care provision and ensure medical care provider is staffed adequately and provides timely health care.*
- d. *Ensure medical staff is properly documenting health care provided or needed; coordinate with health care provided periodic inspections or audits of proper and timely documentation.*
- e. *Consider tasking a LMDC Audit Unit (recommended herein) conduct audits of medical care to ensure proper care is being provided; these audits should include random reviews of patient files and interviews of inmates to help identify shortcomings.*
- f. *Provide all medical staff with radios by which they can be summoned to a medical emergency or call for help if needed.*

**6. MENTAL HEALTH** – There are an inordinate number of inmates at LMDC suffering from mental illness. It is estimated that 20% or more of the jail population suffers from some form of mental illness. Housing these inmates in windowless jail cells is extremely counterproductive to preventing or treating mental illness. It was revealed that mental health inmates are housed with the general inmate population. This may not result in an inappropriate environment for mental health inmates care and treatment. Moreover, the general population inmates incarcerated with mental health patients noted that they have experienced mental health inmates becoming unruly and violent to the detriment of their safety. One of the major inmate complaints was the delay in getting health services or medical services. They are required to complete a health services request form, but it may take up to months for someone from the medical team to respond to their request. They have seen inmates who have psychiatric problems have to wait two to three weeks before they are seen by a psychiatrist.

**RECOMMENDATIONS:**

- a. *Work with community leaders, community advocates, mental health experts, to develop or improve on existing alternatives to incarceration for persons arrested who have mental health issues; assess whether mental health inmates should be housed with the general inmate population.*
- b. *Until a new jail can be built, which should have a separate pathway into the jail for mental health inmates/patients, review alternatives within the existing jail to house mental health inmates in a setting more conducive to treatment and appropriate care for inmates with mental health issues. Discuss with mental health experts ways of improving the existing environment such as paint color alternatives, lighting, or other cost-efficient recommendations to improve conditions to be more conducive to mental health care until a new jail facility is built.*
- c. *Ensure a sufficient number of mental health care staff is being provided by health care provider; persons in need of depression or other mental health medications should not have to wait weeks to see a mental health care provider; not receiving needed medications can increase risk of self-harm and, thus, more suicides within the facility.*

- d. Review reopening the Community Corrections Center or similar facility which can be used for the housing of mental health inmates until a new jail can be built.*

**7. CONTRABAND AND SECURITY** – Contraband continues to be a problem at LMDC. The extensive number of non-fatal overdoses and the number of times Narcan has been used is a clear indication of this. There is evidence to suggest the majority of the contraband is brought in by inmates. Accordingly, officers need to be more diligent about searching prisoners and given additional training and reinforcement as to its importance. Although the evidence suggests that inmates are the source of most contraband, LMDC cannot be naïve to the possibility that employees may be or could be in the future the source of contraband. Therefore, all employees and visitors should enter through one entry point, be subject to random searches, and random drug testing including medical staff and program personnel. Director Collins has developed a K-9 program. LMDC should take full advantage of this resource to include posting the K-9 in the reception area at random times throughout the day. As noted in the Overdose and Security section, the reception-lobby area is open to the public 24 hours per day. This is a significant security issue.

**RECOMMENDATION:**

- a. Continue to emphasize and stress strict searches of all prisoners coming into the facility. Provide additional training as necessary, ensure supervisors are mandating strict compliance and conducting compliance assessments (which should be part of the proposed Audit Unit’s duties when deployed). Evaluate whether increased use of strip searches is prudent.*
- b. Mandate and enforce random drug testing for all employees and workers in the facility including medical care staff.*
- c. Conduct random drug testing of inmates who were arrested on drug charges to help with early detection of drugs being used in the facility.*
- d. Improve the camera coverage in the facility to include stairways which could be used by inmates attempting to escape or persons attempting to gain entry to harm employees or take hostages.*
- e. Improve security in the lobby-reception area to limit entry by using electronic door locks or other effective security measures to limit ingress.*

f. Mandate and enforce one point of entry for all persons coming into the jail facility.<sup>121</sup>

**8. ACCOUNTABILITY** - Many employees lamented that too many employees are not held accountable when they violate rules; review of disciplinary records supports this belief. Review of disciplinary records shows a trend of many persons being repeatedly cited—up to thirty times or more—for violation of policy yet continued on the rolls. This has created an impression of employees being able to do whatever they want without consequences which erodes morale and frustrates those complying with the rules and regulations.

*RECOMMENDATION: There must be consequences for failing to follow policy. Multiple violations should result in increased sanctions with the knowledge that termination will follow for repeated violations. This needs to be re-inculcated into the culture.*

**9. SEXUAL HARASSMENT** – Related to the above, there seems to have developed a culture whereby sexual harassment is not seen as inappropriate. Review of cases involving sexual harassment and interviews revealed some egregious instances of behavior that is very troubling. Some of this behavior was rationalized as “friendly banter,” a way of decompressing from the stress of the job, or this is part of “how it is in law enforcement.” Although Director Collins (and others involved in the project) is to be lauded for updating the sexual harassment policy and mandating that every employee attend sexual harassment training over the past year, interviews suggest that a policy update and one-time training (described by many as a 30-minute PowerPoint presentation) is insufficient for changing the culture. Continued training and reinforcement will be needed to align behavior and attitudes with currently acceptable societal norms. Also, there isn’t a tracking of sexual harassment complaints that would alert management to needs for additional training or policy changes; persons frequently accused of harassment, or areas of the jail where harassment often occurs; nor is there any system in place to obtain input from those victimized what might be done to prevent similar behavior or whether

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<sup>121</sup> Although employees may find some of these requirements offensive, intrusive, or inconvenient, facilities that strictly enforce rigorous security and contraband mandates have many fewer problems with contraband than LMDC. The evidence in this report clearly demonstrates that contraband is getting into the facility and the number of non-fatal overdoses underscores that further and more rigorous measures must be put into place to gain control of this significant problem. As with all matters discussed in this report, the fact that a process or procedure is the “way it has always been done” should have no impact on what is necessary to control this issue and, in fact, may be reason to reevaluate whether a new best practices process or procedure should be employed.

the system for reporting was easy to navigate and resolved the problem. Victims who reported harassment especially those who experienced unwanted touching were required to continue working with the aggressor despite requests to the contrary with supervisors stating, “you need to learn to work together.”

#### RECOMMENDATIONS:

- a. *LMDC management at all levels must reinforce that sexual harassment will not be tolerated and that swift and severe sanctions will follow violations of the sexual harassment policy. Reinforcement of the policy should be integrated as part of all in-service training and strongly inculcated into new recruits as part of their training.*
- b. *The LMDC website should be updated to include a link for reporting sexual harassment and information about the process as well as a link to the new sexual harassment policy.*
- c. *LMDC must ensure that employees are provided with clear and easy to follow instructions on the process to report sexual harassment. An avenue should be provided for females to report sexual harassment to a female instead of their male supervisor.*
- d. *Victims of harassment should not be required to work with the perpetrators of harassment, especially if the complaint alleged physical touching.*
- e. *Resolution of complaints should include after incident assessment of what training or policy revisions may have precipitated the problems; this should include discussions with the complainants to assess how they feel their complaint was handled and any input they may have for preventing similar incidents in the future.*
- f. *Establish a tracking system to capture data about the frequency of harassment complaints, the nature of the complaints, persons frequently accused of harassment, or areas in the jail where harassment often occurs and the need for additional training or policy changes.*
- g. *Metro Government should consider establishing a dedicated unit within Metro Government to investigate all sexual harassment complaints city-wide. This unit would provide an objective, independent review of sexual harassment*

*cases; be educated and training in handling these types of cases and be adept in the proper interaction with victims. It was noted during this investigation that some complaints that seemed meritorious were deemed “unsubstantiated” when perhaps the outcome would have been different if handled by any outside entity.*

**10. RECOGNITION** – The converse to the two preceding recommendations is that employees who follow the rules and demonstrate exception work ethic should be appropriately recognized. Some employees noted that they had not received personal recognition for performing CPR or other lifesaving actions and dismissed the “global thank you” emails as insincere and would prefer an in-person personal acknowledgement.

**RECOMMENDATIONS:**

- a. Policies and procedures should be put in place to properly recognize and reward employees (monetarily or with days off) for exceptional work, especially when an employee performs lifesaving actions. Supervisors should notify command staff who in turn should inform executive management of those directly involved in performing lifesaving actions.*
- b. Consider an annual awards dinner or banquet to recognize employees who have performed lifesaving measures or other exemplary conduct.*
- c. Consider rewarding employees who have missed no days (or other stated amount of days) either monetarily or with days off.*

**11. EMPLOYEE MENTAL HEALTH** – Working in a corrections facility is extremely stressful. One must be constantly vigilant for their own safety and that of the inmates. The jail houses people who do not want to be there and includes persons with violent tendency or mental health issues. At times there can be a cacophony of yelling, screaming and excessive demands emanating from the dorms. Coupled with this environment, staffing shortages and mandatory overtime, maintaining one’s mental health can be a challenge. Moreover, employees advised that after performing CPR, encountering a suicide victim, or being involved in some other critical incident they were required to return to their assignments. In one suicide incident, one of the officers involved had lost a family member to suicide which created flashbacks to that incident. The officer’s supervisor on their own initiative suggested the officer take off the remainder of the day. This type of protocol should be included in policy and peer support

provided. To his credit, Director Collins took the unique action to include a psychologist—Dr. Mariya Leyderman—as part of his executive management team. Dr. Leyderman’s education and work history make her a tremendous asset to helping with employee and inmate mental health. Due to her expertise and zeal, she seems involved in many projects and responsibilities. Some employees said that due to her workload it was difficult to get into to see her. Also, some employees opined that they were concerned about sharing issues with her because she is part of the management team and that their conversations might be shared with management.

**RECOMMENDATIONS:**

- a. *Review best practices for wellbeing of corrections officers involved in a critical incident. Develop critical incident after action protocols to assess the mental health needs of staff involved in those incidents and consider mandatory 24 – 48-hour time off or administrative duties for those directly involved in a critical incident.*
- b. *Better define Dr. Leyderman’s role in terms of employee support, emphasize to staff that their discussions with her will be held in confidence with exceptions related to an individual’s safety and make readily available outside mental health options for those concerned about confidentiality.*

**12. RECRUITING, HIRING AND RETENTION** – Lack of adequate staffing was a constant refrain from almost all employees (both civilian and sworn) interviewed; this investigation confirmed by observations and interviews that lack of adequate staffing is a huge issue; thus, next to returning to and emphasizing basic security protocol, recruiting should be a top priority program; yet recruiting is handled by only one corrections officer and the head of HR who has a myriad of other responsibilities; moreover, there are no metrics or systems in place to track which type of recruiting method is most effective and garners the most recruits—which may result in a waste of already limited resources.

*RECOMMENDATION: Adequately staff the recruiting office and establish metrics for tracking recruiting successes; consider involving the training staff in recruiting, especially in conducting the Physical Ability Test.*

**13. MAJOR INCIDENTS** - In-custody death report files from 2022 are lacking. Specifically, no direct conclusions seem to be included and are certainly not readily available to readers of the case files. Most concerning is the lack of discussion and instruction between

administrators, investigators, and line staff regarding the findings of death investigations and major incidents. As an example, a sergeant was asked about an overdose death of an inmate on his floor who had been in custody for 22 months. The medical examiner found evidence of several drugs in the inmate's system at the time of death, meaning the inmate had access to numerous illegal substances inside the secure jail. The sergeant interviewed was unaware of the results of any investigation, specifically if any determination had been made regarding how the drugs were introduced into the facility. The indication was that this information, if known, was not routinely shared with staff.

*RECOMMENDATION: All LMDC officers should be informed of the findings from critical incident investigations. Improving and assuring the safety of the staff and inmates while in the custody of LMDC should always be the priority, even if that threatens drug crime prosecutions. LMDC should codify a formal system of intelligence sharing among its staff to adequately and accurately inform security personnel of the findings of critical incident investigations to involve the staff in the prevention of future incidents.*

**14. TRACKING AND REPORTING SOFTWARE ACQUISITION** – LMDC lacks a consolidated or unified software system to track important aspects of jail operations. Currently, there is a significant lack of reporting systems to provide real time reports to command and executive management to enable data driven decisions and alert management to problems. This results in “knee jerk” reactions or “bandage” fixes to significant problems. Throughout this investigation, it was discovered that command and executive management level staff have personally created independent Excel spreadsheets that are inaccessible to others in the agency and that do not have dashboard capabilities to automatically show trends in use of force, overdoses or provide alerts to lapses in training, releases dates for inmates, or other critical data or alerts.

*RECOMMENDATION: Research and invest in management software that provides a dashboard for management to review critical data such as escalating use of force, drug overdoses, attempted suicides, means of contraband entering the facility, lapses in training certifications, recruiting and retention status and trends, release dates for inmates, among other critical data points necessary to properly guide management in making decisions.*

**15. ALLOCATE DATA ENTRY TO LINE LEVEL CIVILIAN STAFF –**

Throughout this investigation, it was discovered that command and executive management level staff are manually entering data into personally created Excel spreadsheets in an attempt to track aspects of their responsibilities. Although the management personnel who have created these spreadsheets are to be commended for their efforts to log data in an effort to help guide them in their responsibilities, the data entry should be done by line level civilian staff. It appeared an inordinate amount of management time was being expended doing lower-level data entry.

RECOMMENDATION: *In conjunction with recommendation #14, assign routine data entry to lower-level civilian personnel.*

**16. POLICIES –** Many policies have not been reviewed or updated for almost ten years. In our fast-paced technology driven society along with ever evolving best practices principles, what was considered appropriate and acceptable even five years ago may be inconsistent with legal decisions, statutory changes, or manufacturers recommendations on proper use of equipment such as restraint or compliance devices. Until recently, there has been only one person assigned to review, revise, and create policies. Unfortunately, this person was also responsible for handling all open records requests, which consumed most of his time. This has resulted in the lack of policy reviews.

RECOMMENDATION: *LMDC should consider forming a committee to perform a comprehensive review of all policies, procedures, and post orders. This committee review would bring the policy manuals up-to-date and provide a current starting point for future policy reviews and revisions. Involvement of additional people to include a research specialist my help infuse new best practices into jail policy and procedures.*

**17. AUDIT UNIT –** LMDC does not currently have an Audit Unit or Inspection Unit which can assess compliance with policies, procedures, and post orders; and identify deficiencies that need to be remedied.

RECOMMENDATION: *An Audit Unit should be created to assess compliance with policies and procedures which reports its findings directly to management to guide decisions and assess policy or training deficiencies. This is an important unit that needs to be established to help reduce security and safety violations or deficiencies. It is a proactive approach rather than a reactive approach to*

*management which has been the practice for many years. The Audit Unit should report directly to the Director or his designee. The Audit Unit's findings once reviewed by the Director should be forwarded to the Training Unit, Policy Unit or other units impacted by the finding develop or revise training curriculum or policies to prevent similar incidents.*

**18. TRAINING** – The Training Academy is a critical to setting the tone of the agency and providing education that will set employees up for success. It is also a critical piece of solving many of the problems at LMDC. Numerous persons interviewed to include the prior LMDC executive management team, believe training needs additional personnel. They also believe the current training facility is inadequate.

**RECOMMENDATIONS:**

- a. *Management must assess whether:*
  - i. *The Training Academy instructors are subject matters experts who convey a professional image that underscores the expected professionalism of LMDC employees; management must reinforce this concept with current and future instructors.*
  - ii. *Instructors are of excellent character and behavioral examples for others.*
  - iii. *They must establish a professional and ethical culture on day one at the Academy.*
  - iv. *Instructors are adept at educating others not simply subject matter experts.*
- b. *At least two instructors should be added to the training staff with consideration of having a sergeant over recruit training and one over in-service training.*
- c. *In-service training must be quality training applicable to employees' current job that emphasizes the importance of following basic security protocols.*
- d. *LMDC should fully reengage in annual, in-person training focused on corrections specific outcomes. Along with instruction in emerging trends in jail safety, security, and best practices, training should serve as a refresher for basic corrections skills in searching, contraband detection and control,*

- drug intoxication detection and overdose intervention, effective and legal use of force, and de-escalation.*
- e. Ensure there is sufficient “on-shift training” to prepare recruits for their actual assignments at the jail after graduating.*
  - f. There must be better communication between the Training Academy and the recruiting personnel. The Training Academy should be advised two to three weeks ahead of a new class who will be attending that class rather than being told a day or two before the class begins.*
  - g. Recruiting is an extremely important facet of solving many of the problems at LMDC. Training staff should be involved in the recruiting process—at least in conducting the Physical Ability Test.*
  - h. The current training facility is inadequate. Consideration should be given to developing a larger and more modern facility; perhaps in conjunction with LMPD. This facility should have a dedicated firearms range for LMDC to use.<sup>122</sup>*
  - i. The curriculum needs to be reviewed and brought up to date. Assessment of whether hours dedicated to the topics are appropriate for the needs of recruits and in-service attendees and in light of recurring issues at LMDC. There should be an alternate perspective and an assessment of whether the training is preparing the recruits for the job ahead of them. This review should encompass looking at the root problems within the jail and eliminating the mindset to keep training the same concepts just because it has been on the syllabus for years.*
  - j. Build sexual harassment training into in-service training, emphasize the importance of following the policy, and ramifications of failing to do so; instructors must have total “buy in” to the importance of this training and not convey the attitude “management is making us do this.” Those that are not*

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<sup>122</sup> Like LMDC, many of the suburban police departments in the Metro area do not have a dedicated firearms range and must find area firearms ranges available for their use. Metro Government may want to explore a regional firearms range that could be used by LMDC and the many police agencies in the area. A pooling of funds to include funding from the state may make the project a cost-effective endeavor.

*totally invested in creating a paradigm shift in culture when it comes to sexual harassment should be replaced.*

- k. Review the sexual harassment training given to recruits to ensure it is properly conveying the importance of this topic and consequences of failing to do so. Consider engaging an outside instructor who is a subject matter expert.*
- l. Expand training for those newly promoted to help ensure their success in their new position and what is expected of them; consider outside instructors be added to help with leadership training aspects of this mandatory training.*
- m. Ensure the Training Unit commander is included in after-action/critical incidents reviews to assess whether training needs to be revised or developed to prevent similar incidents in the future.*

**19. LEADERSHIP TRAINING** - Director Collins detailed his enthusiasm for having his personnel attend formal leadership training. LMDC has a commendable history of attendance at the National Jail Leadership Command Academy, which is a one-week course “designed to provide training for succession preparation, and to develop leadership skills for successful transitioning into senior leadership positions within jails” (nationaljailacademy.org, n.d.). This commitment to personnel development is exceptional. If there is a shortcoming to this program, it is its short duration. Many law enforcement command education programs are considerably longer (most notably SPI Administrative Officers Course at 12 weeks, SPI Command Officer Development Course at 10 weeks, FBI National Academy at 10 weeks, and Northwestern University School of Police Staff and Command at 10 weeks). These programs provide much greater depth of study and understanding into the current and future needs of law enforcement leadership and LMDC may consider having high level administrators attend courses such as these. Pre-service training for newly promoted sergeants presents another opportunity for impactful training improvements. Director Collins described the new sergeant training procedures as simply shadowing an existing sergeant for “one or two weeks” (this length dependent on how well the new sergeant picks up on what was observed in week one). There is no formalized training procedure or outline for personnel entering this extremely critical role as well as other promotional levels. First-line supervisors in law enforcement play a critical role in the interpretation, communication, and understanding of policy and practice for line-level

officers as well as influencing how officers meet expectations and goals.<sup>123</sup> The sergeant rank is widely considered the most influential and important in law enforcement as this is the rank which translates administrative policy and direction into practical application for the officers. This is a critical role which requires considerable pre-service training and evaluation to ensure the individual is suited to the role and responsibility.

RECOMMENDATION: *LMDC should consider expanding access to upper-level leadership education opportunities and formalize a sergeant field training program; they should also develop training requirements for all newly promoted persons.*

**20. MANAGEMENT LIMITATIONS AND FOP CONTRACT** – Investigation revealed that many positions at LMDC held by sworn corrections officers could potentially be performed by civilian staff, but management is limited contractually from implementing these changes that would be beneficial to the effective and efficient operation of the jail. Examples include maintenance, property room, uniform and supply duties, control room camera monitoring, mail opening and delivery, and some training roles. Moreover, management is limited in moving personnel to where they would best serve the organization because of their unique skillsets or the specific needs of the jail, either temporarily or permanently, such as needing officers to help with security on another floor or area of the jail. The contract with the FOP dictating the employee’s right to bid on a specific work assignment does not represent an industry standard. In many cases, the right to assign and direct personnel is specifically reserved for the chief administrator (*see* agreements of the Milwaukee Deputy Sheriff’s Association (Milwaukee, Wisconsin) and the Washoe County Sheriff’s Deputies Association (Reno, Nevada)). As explained by Director Collins, reassigning personnel from their primary duty assignment, regardless of reason, results in a grievance filed through the union and requires the agency to pay the employee at a premium for the time reassigned. Ideally, to maximize efficiency of safety and security operations, the director should have the flexibility to direct his staff as needed, based on the current issues facing the facility.

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<sup>123</sup> Ingram, J. R., Weidner, R. R., III, E. A. P., & Terrill, W. (2014). Supervisory influences on officers' perceptions of less lethal force policy: a multilevel analysis. *Policing*, 37(2), 355–372. <https://doi.org/10.1108/PIJPSM-05-2013-0051>; *see also* Engel, R. S. & Worden, R. E. (2003). Police officers' attitudes, behavior, and supervisory influences: an analysis of problem solving. *Criminology*, 41(1), 131–166. <https://doi.org/10.1111/j.1745-9125.2003.tb00984.x>

RECOMMENDATION: *The Louisville Metro Council should investigate the collective bargaining language of similarly sized correctional agencies to consider amending assignment language during the next contract negotiation cycle to remove the restrictions on the director to manage his staff as needed. Consider providing financial incentives in return for providing management with the flexibility to make decisions that are best for the safety and security of inmates and staff; and the efficiency and effectiveness of LMDC. The current system is tremendously inefficient and compromises management's ability to address staffing issues which are significant.*

**21. BUDGET AND OVERTIME** – LMDC's budget has remained essentially static over the past 10 years except for the substantial increases made at the request of Director Collins last year. Meanwhile the cost of living for employees has increased as has the cost of operating the jail. Needed maintenance and technology upgrades that would benefit safety and security have been deferred. LMDC has received "hand me down" vehicles rather than receiving new vehicles among other observed stop gap measures to control spending to the detriment of efficiency and morale. Recruiting has suffered due to low salary. Yet, LMDC has routinely expended in excess of \$5 million for overtime. This money could have been better used to increase the base salaries of personnel, thereby reducing the need for overtime, improving recruiting and retention of staff. It could also have been used to purchase needed equipment. Moreover, In the opinions of several employees, mandatory overtime is not distributed equally among correctional officers, as those assigned to non-security related duties were not subject to forced overtime the same as those assigned to the inmate floors. Mandatory overtime policies, when unequally distributed, have a significant negative effect on employee job satisfaction.<sup>124</sup>

RECOMMENDATION:

*a. Metro Council in coordination with Director Collins, the FOP and appropriate Metro Government entities should review the starting pay for corrections officers with the goal of being competitive with other law enforcement agencies in the metro area; concomitant with that competitive*

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<sup>124</sup> Lambert, E. G., Reynolds, K. M., Paoline, E. A. I. I., & Watkins, R. C. (2004). The effects of occupational stressors on jail staff job satisfaction. *Journal of Crime and Justice*, 27(1), 1–32. <https://doi.org/10.1080/0735648X.2004.9721627>

*pay raise should be a renewed emphasis on high ethical standards, professionalism, and accountability.*

- b. LMDC Management should review the mandating of overtime to ensure it is equally distributed.*
- c. LMDC Management should assess whether overtime is being precipitated by staff calling in sick repeatedly or simply not coming to work and hold employees accountable for abusing sick leave or violating time and attendance policies; assess whether a 12-hour shift schedule would help alleviate the need for so much overtime.*

**21. BOOKING AREA** – Inmates stated they felt uncomfortable answering questions about themselves, especially about depression or being a victim of abuse in front of everyone in the booking area. Even some of the medical staff in the booking area agreed that asking those type of questions in front of others with whom they might be incarcerated was not an optimum setting to get honest candid answers. Several of the deaths over the past year have been suicides. Thus, it is vital to obtain honest candid answers from persons being incarcerated whether they pose a risk of self-harm; and in turn may need more frequent observations or different dorm/cell assignment than initially determined. A secondary issue related to this is the lack of reassessment of whether a person's initial risk classification is still accurate after the booking process. Staff stated that generally a reassessment of classification (and consequently the type and place of confinement within LMDC) is not conducted unless a person becomes disruptive in the jail. Staff and inmates stated that often inmates are not seen by the facility doctor or medical staff for many weeks after being incarcerated. This may result in persons needing reclassification or medical attention not receiving that attention or being identified as posing a risk of self-harm, and in turn reclassified to a different cell or floor assignment. The number of suicides over the past year is a deviation from the past; thus, critical analysis should be conducted to determine if a better assessment or reassessment may have prevented any of the suicides and prevent others from occurring in the future.

*RECOMMENDATION: Review alternative options to conducting medical and mental health assessments somewhere more conducive to obtaining honest and candid answers. Establish a process to ensure medical staff assess inmates in a*

*timely manner after being incarcerated as well as reassessed to determine if the initial classification is appropriate.*

**22. RESEARCH ANALYST** – Investigation revealed that many decisions made at LMPD are in reaction to critical incidents while long term planning is lacking and often not data driven, or evidence based. There are very few management reporting tools to assist and inform the management as to trends within the facility.

**RECOMMENDATION:**

- a. Create a Research Analyst position. This person should do extensive research on best practices and make recommendations based on data, metrics, and trends in technology for the corrections industry to help management make both short- and long-term decisions that are data drive or evidence based.*
- b. This analyst could also track the use of force within LMDC and determine why force was needed as opposed to some other method; the number of overdoses and where they occurred or how they occurred to help guide management in decisions to counter or prevent these issues. Once again, it appears that much of what is done within the facility is more reactionary than proactive and evidence based.*

## **X. CONCLUSION**

Throughout this investigation, many professional, dedicated, and hardworking employees were observed and interviewed. LMDC is fortunate to have so many committed employees who have made working at LMDC their career. Unfortunately, this investigation also revealed many issues that need to be addressed. Director Collins has implemented many changes in the short time he has been Director which have helped reduce contraband getting into the facility. He has also helped improve morale that was at a low ebb when he took over. Director Collins along with the support of the Mayor and Metro Council has the ability to make additional needed improvements. Some of the issues, however, will not be resolved without a new modern jail facility. Many of the issues should have been addressed years ago including many of the issues identified in the 2016 CGL Report.

Failure to address these issues exposes LMDC to civil liability as well as potential intervention by the federal government as recently happened with LMPD. Civil lawsuits and federal government intervention are very costly and largely take control away from LMDC and Metro Government and into the control or oversight by the courts.

## **XI. EXHIBITS**

Documents listed in this report as an exhibit are set forth on the following pages and in numeric order are:

1. LOUISVILLE METRO COUNCIL RESOLUTION NO. 23, SERIES 2022.
2. CAPITAL PROJECTS PLANNED, IN PROGRESS OR COMPLETED.<sup>125</sup>
- 3-A. MICHELLE SOGAN V. LOUISVILLE METRO CORRECTIONS AND JUAN OCHOA, JEFFERSON CIRCUIT COURT CASE 21-CI-000270.
- 3-B. MICHELLE SOGAN V. LOUISVILLE METRO CORRECTIONS AND RITHEA DAVIS, JEFFERSON CIRCUIT COURT CASE 21-CI-000270.
- 3-C. MICHELLE SOGAN V. LOUISVILLE METRO CORRECTIONS, RAMON SKAGGS, AND MARTIN BAKER, JEFFERSON CIRCUIT COURT CASE 21-CI-000270.
- 3-D. NADIYA PEAKE V. LOUISVILLE METRO CORRECTIONS AND RICHARD STIMPHIL, JEFFERSON CIRCUIT COURT CASE 20-CI-003192.
- 3-E. EMILY NICHOLS V. LOUISVILLE METRO CORRECTIONS, JEFFERSON CIRCUIT COURT CASE 19-CI-003542.
4. ETHICS AND CODE OF CONDUCT SLIDES PROVIDED BY AD STEVE DURHAM.
5. ILLINOIS DEPARTMENT OF CORRECTIONS PERSONNEL/POSITION ACTION FORM REGARDING DWAYNE CLARK.
6. CHART REFLECTING AMOUNT OF NARCAN USED DURING PAST YEAR.
7. COMPARISON CHART OF DEATHS AT OLDHAM COUNTY, WASHOE COUNTY, AND LEXINGTON JAILS.

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<sup>125</sup> Capital Projects Planned, In Progress or Completed provided by Director Collins.



# **EXHIBITS**

# Exhibit 1

## RESOLUTION NO. 023, SERIES 2022

### A RESOLUTION TO INITIATE AN INVESTIGATION INTO LOUISVILLE METRO CORRECTIONS (AS AMENDED).

#### SPONSORED BY: COUNCIL MEMBERS PIAGENTINI AND ARTHUR

**WHEREAS**, the inmate death of February 6, 2022 is known to the Legislative Council of the Louisville/Jefferson County Metro Government ("Metro Council") to be the sixth inmate death at the Louisville Metro Corrections Department's facility ("Louisville Metro Jail") in the last three months; and

**WHEREAS**, the Metro Council believes that the number one priority of the Louisville Metro Government is to ensure the safety of all its residents, including those housed at the Louisville Metro Jail; and

**WHEREAS**, as recently as June 19, 2018, the Government Oversight and Audit Committee ("GOAC") expressed concern about the Louisville Metro Jail conditions (See, June 19, 2018 Louisville Metro Government Action Summary, ID 18-0899 "A Discussion of the Jail Conditions at Metro Corrections"); and

**WHEREAS**, the members of the Metro Council, individually and as members of the Public Safety Committee and GOAC have expressed concerns and sought changes within the Louisville Metro Corrections Department ("LMCD") over many years through multiple hearings and other actions seeking to improve officer morale, inmate safety and the overall operation of the department; and

~~**WHEREAS**, events have occurred during the administration of Mayor Greg Fischer which have required Metro Council to exercise its authority to investigate the affairs of government, to wit: the allegations of sexual abuse of minors enrolled in the Louisville Metro Police Explorer Program; the allegations of the sexual harassment and other~~

misconduct at the Transit Authority of the River City (TARC); and the actions and inactions of the Fischer Administration surrounding the death of Breonna Taylor and the David McAtee and the protests related thereto; and

**WHEREAS**, Metro Council, on September 17, 2020, expressed its concern/no confidence in the leadership demonstrated by Mayor Greg Fischer in Resolution No. 096, Series 2020, which also expressed its belief that events negatively impacting this community were related to a failure by Mayor Fischer to hold leadership within his administration accountable, and expressed concerns with his administration's selection and management of Louisville Metro Government leadership; and

**WHEREAS**, a key finding of the May 2021, independent investigation undertaken by Metro Council into TARC was that virtually no due diligence was performed at the time Ferdinand Risco was initially hired and no vetting was done when he was promoted to Executive Director, despite readily, and publicly available information which would have cast doubt on his hiring and promotion, and such failure being consistent with the overall lack of oversight and leadership which Metro Council has come to expect from this administration; and

**WHEREAS**, the actions of the Metro Council and the GOAC has resulted in important revelations, reforms and transparency on matters that otherwise would not have been uncovered; and

**WHEREAS**, Metro Council has just cause to believe the recent inmate deaths necessitate immediate action by Metro Council to investigate the nature and cause of inmate deaths at the Louisville Metro Jail, and the extent to which the operations, management, and leadership at LMDC impacts inmate safety; and

**WHEREAS**, Metro Council has concerns that the current leadership within LMDC as well as that of the Mayor have failed to adequately address worker concerns over the safety not only of those persons incarcerated within our corrections facility, but also the many dedicated corrections officers who are working to serve this community; and

**WHEREAS**, Under KRS § 67C.103(13)(f), Metro Council has the power to “[m]ake independent audits and investigations concerning the affairs of the consolidated local government”; and

**WHEREAS**, Metro Council will investigate these concerns regarding the administration in the GOAC utilizing the powers set forth in KRS § 67C.103(14); and

**WHEREAS**, at the completion of the GOAC’s investigation, the GOAC will report the findings of fact so the Metro Council may take legislative action and/or make recommendations for any changes in administration or LMDC policies, procedures, and processes in the management and care for inmates and the inmate population.

**NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (“METRO COUNCIL”) AS FOLLOWS:**

**SECTION I:** Metro Council, through the Government Oversight and Audit Committee (“GOAC”), hereby initiates an investigation into the deaths at Louisville Metro Corrections Department’s facility (“Louisville Metro Jail”). The scope of the investigation will include:

- Working with the GOAC and Counsel for GOAC/Metro Council;
- Investigating the nature and circumstance of deaths and serious injuries

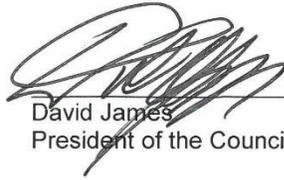
sustained at the Louisville Metro Jail;

- Investigating the circumstances, policies and procedures in place at the time of the deaths or serious injuries;
- Identifying any shortcomings in training, policy, systems, facilities, staffing and/or supervision surrounding the deaths or serious injuries sustained at the Louisville Metro Jail;
- Inquiring of the administration and FOP Corrections Union representatives regarding their perspectives and observations of events as well as solution-based observations to promote inmate safety;
- Utilizing an investigator to prepare and present a detailed investigative summary and timeline, with recommendations for possible action by Metro Council;
- Identifying requirements and/or obligations relative to inmate detention and release placed upon Louisville Metro Corrections Department ("LMDC") by officials outside Jefferson County, or otherwise outside the control of LMDC;
- Utilizing subpoena power, where necessary and lawful, to compel the production of witnesses and documents.

**SECTION II:** GOAC will conduct this investigation with the legislative power contained in KRS §§ 67C.103(13)(f), 67C.103(14), and according to Metro Council Rule 4A.04(b).

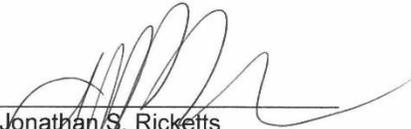
**SECTION III:** This Resolution shall take effect upon its passage and approval.

  
\_\_\_\_\_  
Sonya Harward  
Metro Council Clerk

  
\_\_\_\_\_  
David James  
President of the Council

February 17, 2022  
Approved Date

**APPROVED AS TO FORM AND LEGALITY:**

By:   
\_\_\_\_\_  
Jonathan S. Ricketts  
Ricketts Law Offices, PLLC  
4055 Shelbyville Road  
Louisville, KY 40207

LOUISVILLE METRO COUNCIL  
ADOPTED  
February 17, 2022

## Exhibit 2

### CAPITAL PROJECTS PLANNED, IN PROGRESS OR COMPLETED<sup>126</sup>

#### **Convex or Half Dome Mirrors**

This project is to place these mirrors at intersections on the floor to have a better view of what is happening around the corner, no blind spots. We are in the process of determining the best location and how many are needed. **Completed**

#### **LMDC Boilers**

This project is to replace 2 Boiler that we are constantly repairing, they are the original boilers from when this building was the Old MSD (Metropolitan Sewer District) building. We are ready to have the quote. **Completed**

#### **Dumpster Gate/ Roof**

This project is to stop the contraband from being hidden on the dock area from an outside source for kitchen work aide to collect and bring into security. We already have a design and quote for the work.

**Completed**

#### **Food Slot Project**

This project is to lock all 68 food slots in the facilities to keep contraband from being passed around by work aide that works on the floors. This project has already started but will continue into next year's budget. **Completed**

#### **Plexiglass 5<sup>th</sup> floor Single Cells**

We are putting Plexiglass over the bars on the window for Suicide Preventions. This project has already started but will continue into the next budget. **Completed**

#### **Body Scanners**

We need to place body scanners on HOJ (Hall of Justice) 4<sup>th</sup> Floor by the Sheriff court hold and we need one on the 5<sup>th</sup> floor of the HOJ. These scanners will be ordered in July. **Completed**

#### **Door Sweeps**

This project is to stop contraband from being passed from one dorm to another under the doors.

**Completed.**

#### **Legal Mail**

The project is to help finding Contraband coming in the facility from the Legal Mail.

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<sup>126</sup> Document as provided by Director Collins.

Completed.

### **Commissary Off-site**

This project is to move the commissary that is packaged on-site with the help of work aides to an off-site location to prevent/reduce contraband inside the facilities. **Completed**

### **Transport Team**

This project is to hire 10 retired Officers to take Inmates on Clinic runs, Hospitals runs, Out of County runs, and Pen runs. **Completed**

### **Mag/X-Ray Machine front Lobby**

This project is to replace the outdated equipment for security checks at the main entrance of the facilities. **Mag was delivered 3/31/23 and the X-Ray Machine is schedule for delivery on 3/24/23**

### **Single Cells Cameras**

LMDC is requesting a new camera installation for every single cell in the Hall of Justice. The purpose of this project is to gain a direct visual on inmates in single cells. This project is for the safety of all inmates housed in these locations as well as staff who may need to enter the cell. Most single cells in the jail do not have any direct camera view. The scope of this project covers all single cells in the Hall of Justice that do not already have a camera in them. 120 Cameras- **Project has begun, electric and conduit are being run through out HOJ.**

### **Additional Monitors**

Corrections IT Department is looking at how many monitors we need in each Control room to handle the additional 120 cameras. **Monitors will be order once camera project begins.**

### **Suicide Prevention Cells**

We are looking and getting quotes for suicide prevention furniture for these 5 cells. Will be starting this project in July. **90% Completed...waiting on 2 toilets to replace the ones in Dorm 7 (7 & 8)**

### **Property Equipment/Shelving**

We are adding 2 Shrink wrap machines and adding more heavy-duty shelving to accommodate dressing everyone out to include their shoes that come across the grill. This will help stop contraband from coming into the facilities that might get past the pat down and scanner. **Last of shelves have been built, waiting on Slider (inmate shoes) to start process. ETA on Sliders 3/30/23.**

### **Digital Mail**

This project is designed to keep contraband out of the facilities. **Smart Communication was awarded the bid; Drawing Phased has been approved on 3/21/23.**

### **Electronic Monitoring**

This project will electronically track the monitoring of the inmate living areas and movement from floor to floor. **Smart Communication was awarded the bid; Drawing Phased has been approved on 3/21/23.**

### **Narcan Alarm Box**

The project is for letting floor staff know that there is a medical emergency in the dorm when the box is open. **55% completed, But Narcan is still on the glass in every dorm that does not have an alarm box yet.**

### **Double Bunk Single cells (MJC)**

This project is for mental health initiative to curb suicide attempts in single cells. **Still in planning phase.**

### **Officers Workstations**

This project is to rebuild a workstation for the Officers on HOJ 5<sup>th</sup> Floor Westside, HOJ 6<sup>th</sup> Floor Westside, Booking Floor, and Property. **Working on RFP/ Engineering**

### **CCC Boilers**

This project is to replace the failing boiler system at CCC. **Paused**

### **Male and Female Locker Room**

This project is to up-date the locker rooms. **In progress**

### **Fire Extinguisher Boxes**

This project is to replace all the fire extinguisher boxes on all security floors where all the doors are broken off and are unsecured and not protected. **Waiting on Quote**

### **Radio Tones**

This project is to put emergency tone on our radios for emergencies. **Waiting on Quote**

### **Wheelchair lift**

This project is to replace the original wheelchair lift that has not been working for years. **50% completed, waiting on the rails.**

### **Rear Security Single Cells/Suicide Prevention**

This project is to make the 7 single cells in rear security into suicide prevention cells. **The mental beds are being removed and 7 suicide prevention beds have been ordered**

## **Future Projects**

**Replace the Walk in Cooler floor in the Kitchen**

**Reseal the Kitchen floor**

**Update the plumbing in the Pipe Chases in MJC**

**LED Light Conversion**

**Replace all shower boxes**

**Replace all slider doors**

**Exhibit 3-A**

Filed 21-CI-000270 01/14/2021 David L. Nicholson, Jefferson Circuit Clerk

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NO. JEFFERSON CIRCUIT COURT  
DIVISION \_\_\_\_\_

MICHELLE SOGAN PLAINTIFF

VS. **VERIFIED COMPLAINT**

LOUISVILLE METRO GOVERNMENT  
d/b/a LOUISVILLE METRO DEPARTMENT OF CORRECTIONS

SERVE: Mayor Greg Fischer  
Louisville Metro Hall 527  
West Jefferson Street  
Louisville, KY 40202-2814

and

JUAN OCHOA DEFENDANTS

SERVE: Juan Ochoa  
Louisville Metro Department of Corrections  
400 South Sixth Street  
Louisville, KY 40202

\*\*\*\*\*

Comes the Plaintiff, Michelle Sogan, and for her claims against the Defendants states as follows:

**JURISDICTION and VENUE**

1. The Plaintiff is an employee of Louisville Metro Department of Corrections (LMDC) who was and is employed at all times relevant hereto.
2. Defendant Louisville Jefferson County Metro Government, d/b/a LMDC, was and is at all times relevant hereto the Plaintiff's employer.
3. Defendant Juan Ochoa was and is at all times relevant hereto an employee of LMDC.

Filed 21-CI-000270 01/14/2021 David L. Nicholson, Jefferson Circuit Clerk

Presiding Judge: HON. MARY SHAW (630277)

COM : 000001 of 000004

4. Jurisdiction for the action is pursuant to KRS 344.010, et seq., and KRS 61.101, et seq.

**FACTS**

5. The Plaintiff has been employed by the Defendant since December 2018 (sworn).

6. Shortly after her hire, Sgt. Ochoa began “hitting” on her through verbal comments, physical contact, and text messaging.

7. The Plaintiff did not file a complaint because of the sexually hostile work environment in Metro Corrections and the failure of Metro Corrections to act upon complaints of sexual harassment.

8. A second Correction Officer, Ramon Skaggs, made sexually lewd comments to the Plaintiff.

9. The Plaintiff told Metro Corrections Lt. Vincent her complaints. Lt. Vincent stated, “Skaggs has had a lot of complaints. He’s a creep.”

10. The Plaintiff complained to other Metro Corrections supervisors to no avail.

11. A meeting was held in Metro Corrections at which the Plaintiff, Defendant Skaggs and Lt. Logsdon were present.

12. Lt. Logsdon stated “What is the issue? You guys either get along or leave. We are not going to be this petty.”

**COUNT 1**  
**VIOLATION OF KRS 344.010, et seq.**

13. Plaintiff incorporates by reference as if fully set out herein each and every allegation contained in paragraphs 1-12 of Plaintiff’s Verified Complaint.

14. Pursuant to KRS 344.010, et seq., Plaintiff was subjected to physical assault and harassment based upon her sex which created a hostile and abusive work environment.

15. Plaintiff, a female, is a member of a protected class of persons under KRS 344.010, et seq.

16. Based on the facts described above, Defendant LMDC knew of the sexual harassment by Defendants Ochoa and Skaggs and failed to implement prompt and appropriate corrective action and, in fact, compounded Plaintiff's damages by forcing her to work in close proximity with Defendant Ochoa LMDC employee Skaggs.

17. As a result of the action and inactions of the Defendants, the Plaintiff has suffered embarrassment, humiliation, and mental anguish in an amount that exceeds the jurisdictional minimum of the Court.

**COUNT II**  
**ASSAULT AND BATTERY (Defendant Ochoa)**

18. The Plaintiff incorporates by reference as if fully set out herein each and every allegation contained in paragraphs 1-17 of Plaintiff's Verified Complaint.

19. On October 3, 2020, Defendant Ochoa unlawfully assaulted Plaintiff by grabbing her hand twice and kissing her on the cheek.

**WHEREFORE**, Plaintiff demands as follows:

1. Judgment against the Defendants;
2. A trial by jury;
3. Compensatory damages;
4. Punitive damages against Defendant Ochoa;
5. For her costs herein expended including a reasonable attorney's fee.
6. Injunctive relief.
7. Any such other relief as Plaintiff may appear entitled.



**Exhibit 3-B**

Filed 21-CI-000270 09/24/2021 David L. Nicholson, Jefferson Circuit Clerk

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NO. 21-CI-000270

JEFFERSON CIRCUIT COURT  
DIVISION FIVE (5)  
JUDGE MARY SHAW

MICHELLE SOGAN

PLAINTIFF

VS.

**SUPPLEMENTAL COMPLAINT**

LOUISVILLE METRO GOVERNMENT, ET AL

And

RITHEA DAVIS  
Louisville Metro Department of Corrections  
400 South Sixth Street  
Louisville, KY 40202

DEFENDANTS

**SERVE:** Rithea Davis  
Louisville Metro Department of Corrections  
400 South Sixth Street  
Louisville, KY 40202

\* \* \* \* \*

Comes the Plaintiff, Michelle Sogan, by counsel, and for her Supplemental Complaint against the Defendant Rithea Davis, states the following:

1. Plaintiff restates, reaffirms and incorporates all allegations of paragraphs 1-19 of Plaintiff's Complaint.
2. On or about August 11, 2021 at 8:00 a.m. the Plaintiff was on duty at the Louisville Metro Department of Corrections (LMDC).
3. Defendant Rithea Davis was on duty with LMDC.
4. Defendant Davis approached the Plaintiff and attempted to put his arm around her stating, "Sogan, Can I get a lap dance?"

Filed 21-CI-000270 09/24/2021 1 David L. Nicholson, Jefferson Circuit Clerk

SF: 000001 of 000003

5. The Plaintiff pushed Defendant in the stomach to get Defendant Davis away from her. While saying, "Get away from me."

**COUNT I - KRS 344.010, et seq.**  
**SEXUAL HARASSMENT**

6. The conduct of Defendant Davis constitutes unlawful sexual harassment in her workplace, thereby creating liability for LMDC.

**COUNT II - ASSAULT**

7. The conduct of Defendant Davis constitutes unlawful, unprovoked physical assault, thereby creating individual liability for Defendant Davis.

**WHEREFORE**, Plaintiff demands as follows:

1. Judgment against the Defendants;
2. A trial by jury;
3. Compensatory damages for embarrassment, humiliation, and mental anguish;
4. Punitive damages against Defendant Ochoa and Defendant Davis;
5. For her costs herein expended including a reasonable attorney's fee.
6. Injunctive relief.
7. Any such other relief as Plaintiff may appear entitled.

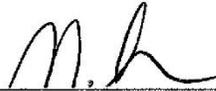
Respectfully,

/s/ Thomas E. Clay  
 THOMAS E. CLAY, P.S.C.  
 CLAY & DANIEL, LLC  
 917 Lily Creek Road  
 Louisville, KY 40243  
 (502) 561-2005  
[tclay@tclaylaw.com](mailto:tclay@tclaylaw.com)  
 Counsel for Plaintiff

SF : 000002 of 000003

**VERIFICATION**

I, Michelle Sogan, state that I have read the foregoing Supplemental Complaint and the statements contained therein are true to the best of my knowledge and belief.

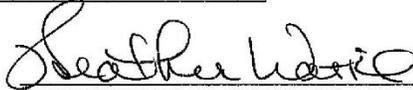


\_\_\_\_\_  
MICHELLE SOGAN

State of Kentucky    )  
                              )SS  
County of Jefferson    )

Subscribed and sworn to before me by Michelle Sogan on this 24<sup>th</sup> day of September, 2021, to be her free act and voluntary deed.

My commission expires: 7-27-2022



\_\_\_\_\_  
NOTARY PUBLIC, KY STATE AT LARGE

SE: 000003 of 000003

**Exhibit 3-C**

Filed 21-CI-000270 04/11/2022 David L. Nicholson, Jefferson Circuit Clerk

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NO. 21-CI-000270

JEFFERSON CIRCUIT COURT  
DIVISION FIVE (5)  
JUDGE MARY SHAW

MICHELLE SOGAN

PLAINTIFF

VS. PLAINTIFF'S SECOND AMENDED COMPLAINT

LOUISVILLE METRO GOVERNMENT, ET AL

And

RAMON SKAGGS  
Louisville Metro Department of Corrections  
400 South Sixth Street  
Louisville, KY 40202

DEFENDANTS

**SERVE:** Ramon Skaggs  
Louisville Metro Department of Corrections  
400 South Sixth Street  
Louisville, KY 40202

And

MARTIN BAKER, DEPUTY DIRECTOR  
Louisville Metro Department of Corrections  
400 South Sixth Street  
Louisville, KY 40202

**SERVE:** Martin Baker, Deputy Director  
Louisville Metro Department of Corrections  
400 South Sixth Street  
Louisville, KY 40202

\* \* \* \* \*

Comes the Plaintiff, Michelle Sogan, by counsel, and for her Second Amended Complaint against the Defendants Ramon Skaggs and Martin Baker, Deputy Director, states the following:

1. Plaintiff restates, reaffirms, and incorporates all allegations of paragraphs 1-19 of Plaintiff's Complaint, and paragraphs 1-7 of Plaintiff's Amended Complaint.

Filed 21-CI-000270 04/11/2022 1 David L. Nicholson, Jefferson Circuit Clerk

AMC : 000001 of 000004

2. On March 3, 2022, the Plaintiff was on duty at LMDC.
3. Defendant Ramon Skaggs was on duty at LMDC.
4. Defendant Skaggs approached the Plaintiff and put his hands around the Plaintiff's neck from behind and then proceeded to stroke the Plaintiff's hair.
5. The Plaintiff responded, "Why the \*\*\*\* are you touching me. Get out of the control room."
6. The Defendant Martin Baker is LMDC's Deputy Director.
7. Defendant Baker sustained a disciplinary action against the Plaintiff calling for a one-day suspension on January 11, 2022.
8. The suspension was later voided by LMDC Director Dwayne Clark.
9. On March 23, 2022, Defendant Baker informed the Plaintiff that he was suspending the Plaintiff for three (3) days for threatening another officer.

**COUNT I – ASSAULT**

10. The conduct of Defendant Skaggs constitutes unlawful, unprovoked physical assault, thereby creating individual liability for Defendant Skaggs.

**COUNT II - KRS 344.010, et seq.**  
**SEXUAL HARASSMENT**

11. The conduct of Defendant Skaggs constitutes unlawful sexual harassment in her workplace, thereby creating liability.

**COUNT II – RETALIATION IN VIOLATION OF KRS 344.280**

12. The conduct of Defendant Baker constitutes unlawful retaliation in violation of KRS 344.280 because his actions against the Plaintiff were the result of her making a charge, and filing a complaint against LMDC, Defendant Juan Ochoa, Defendant Riechea Davis, and Defendant Ramon Skaggs.

WHEREFORE, Plaintiff demands as follows:

1. Judgment against the Defendants;
2. A trial by jury;
3. Compensatory damages for embarrassment, humiliation, and mental anguish;
4. Punitive damages against Defendants Ochoa, Defendant Davis, Defendant Skaggs,  
and Defendant Martin;
5. For her costs herein expended including a reasonable attorney's fee.
6. Injunctive relief.
7. Any such other relief as Plaintiff may appear entitled.

Respectfully,

/s/ Thomas E. Clay  
 THOMAS E. CLAY, P.S.C.  
 CLAY & DANIEL, LLC  
 917 Lily Creek Road  
 Louisville, KY 40243  
 (502) 561-2005  
[tclay@tclaylaw.com](mailto:tclay@tclaylaw.com)  
 Counsel for Plaintiff

AMC : 000003 of 000004

VERIFICATION

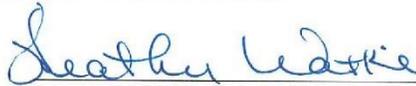
I, Michelle Sogan, state that I have read the foregoing Second Amended Complaint and the statements contained therein are true to the best of my knowledge and belief.

  
\_\_\_\_\_  
MICHELLE SOGAN

State of Kentucky    )  
                                  )SS  
County of Jefferson    )

Subscribed and sworn to before me by Michelle Sogan on this 28<sup>th</sup> day of March, 2022, to be her free act and voluntary deed.

My commission expires: 7-27-2022.

  
\_\_\_\_\_  
NOTARY PUBLIC, KY STATE AT LARGE  
Heather Watkins - # 603554

AMIC : 000004 of 000004

**Exhibit 3-D**

Filed 20-CI-003192 06/01/2020 David L. Nicholson, Jefferson Circuit Clerk

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04/05/2023 01:56:49 PM  
BEYERRUNNERS@HOTMAIL.C

NO. JEFFERSON CIRCUIT COURT  
DIVISION \_\_\_\_\_

NADIYA PEAKE PLAINTIFF

VS. VERIFIED COMPLAINT

LOUISVILLE METRO GOVERNMENT  
d/b/a LOUISVILLE METRO DEPARTMENT OF CORRECTIONS

SERVE: Mayor Greg Fischer  
Louisville Metro Hall 527  
West Jefferson Street  
Louisville, KY 40202-2814

and

RICHARD STIMPHIL DEFENDANT'S

SERVE: Richard Stimpfil  
Louisville Metro Department of Corrections  
400 South Sixth Street  
Louisville, KY 40202

\* \* \* \* \*

Comes the Plaintiff, Nadiya Peake, and for her claims against the defendants states as follows:

JURISDICTION and VENUE

1. The Plaintiff is an employee of Louisville Metro Department of Corrections (LMDC) who was and is employed at all times relevant hereto.
2. Defendant Louisville Jefferson County Metro Government, d/b/a LMDC, was and is at all times relevant hereto the Plaintiff's employer.
3. Defendant Richard Stimpfil was and is at all times relevant hereto an employee of LMDC.

Filed 20-CI-003192 06/01/2020 David L. Nicholson, Jefferson Circuit Clerk

Presiding Judge: HON. MITCH PERRY (630267)  
COM: 000001 of 000006

4. Jurisdiction for the action is pursuant to KRS 344.010, et seq., and KRS 61.101, et seq.

**FACTS**

5. On August 23, 2019, Defendant Richard Stimphil was working 3<sup>rd</sup> shift on H-5.

6. Defendant Stimphil grabbed the Plaintiff's rear end and tried to force her to sit on top of him as he was sitting in a chair.

7. The Plaintiff went to the control room to remove herself from Defendant Stimphil's presence.

8. A short time later, the Plaintiff was walking in a hallway that was completely dark.

9. Defendant Stimphil was asleep in a chair, and the Plaintiff woke him up.

10. Defendant Stimphil again grabbed the Plaintiff and attempted to force her to kiss him.

11. The Plaintiff told Defendant Stimphil, "No, I'm not doing that."

12. The Plaintiff then reported the incidents to Lieutenant (Lt.) Laguno.

13. The Plaintiff completed a written statement on August 26, 2019, on note paper provided by Deputy LMDC Director Martin Baker and gave it to Baker.

14. Through a series of emails, the Plaintiff made repeated inquiries about the status of her complaint.

15. Finally, on February 6, 2020, the Plaintiff was interviewed by the LMDC Professional Standard Unit (PSU).

16. As a result of the Plaintiff's complaint, Defendant Stimphil was notified on March 31, 2020, that he had violated the following LMDC policies:

- 1. 01-3-02 Employee Code of Ethics and Conduct;
- 2. 01-3-06 Harassment;
- 3. 01-03-02 Employee Code of Conduct.

17. The LMDC Disciplinary Action Notice (DAN) recommended a ten (10) day suspension for this misconduct.

18. During the pendency of this investigation, LMDC has repeatedly allowed Defendant Stimphil to come in contact with the Plaintiff in the workplace, despite her repeated protests to LMDC supervisors that she and Defendant Stimphil be separated.

19. LMDC Lt. Pinnick has stated he was going to keep putting them (Plaintiff and Defendant Stimphil) around each other until they learn to get along.

20. On May 19, 2020, Plaintiff was given a LMDC DAN alleging a violation of 0-1-2-02, Employee Code of Ethics and Conduct.

21. The DAN falsely recites that Plaintiff exposed potential new hires of the Louisville Metro Police Department (LMPD) to Covid-19.

22. The DAN recommended action is termination.

**COUNT I**  
**VIOLATION OF KRS 344.010, et seq.**

23. Plaintiff incorporates by reference as if fully set out herein each and every allegation contained in paragraphs 1-22 of Plaintiff's Verified Complaint.

24. Pursuant to KRS 344.010, et seq., Plaintiff was subjected to physical sexual assault and harassment based upon her sex which created a hostile and abusive work environment.

25. Plaintiff, a female, is a member of a protected class of persons under KRS 344.010, et seq.

26. Based on the facts described above, Defendant LMDC knew of the sexual harassment by Defendant Stimphil and failed to implement prompt and appropriate corrective action and, in fact, compounded Plaintiff's damages by forcing her to work in close proximity with Defendant Stimphil.

**COUNT II**  
**RETALIATION IN VIOLATION OF KRS 344.280**

27. Plaintiff incorporates by reference as if fully set out herein each and every allegation contained in paragraphs 1-26 of Plaintiff's Verified Complaint.

28. The action of Defendant LMDC in proposing to terminate Plaintiff's employment on trumped up allegations constitutes unlawful retaliation for Plaintiff's complaining about sexual assault and sexual harassment, in violation of KRS 344.280.

**COUNT III**  
**VIOLATION OF WHISTLEBLOWER ACT KRS 61.101. et seq.**

29. The Plaintiff incorporates by reference as if fully set out herein each and every allegation contained in paragraphs 1-28 of Plaintiff's Verified Complaint.

30. The Plaintiff engaged in Whistleblower protected activity by reporting violation of law (KRS 344.010, et seq.) and policies (LMDC Policies referenced above) to individuals who are appropriate under the Whistleblower Act to receive Whistleblower protected communications.

31. Defendant LMDC has unlawfully retaliated against Plaintiff by proposing to terminate her employment on pretextual grounds.

**COUNT IV**  
**SEXUAL ASSAULT AND BATTERY (Defendant Stimphil)**

32. The Plaintiff incorporates by reference as if fully set out herein each and every allegation contained in paragraphs 1-31 of Plaintiff's Verified Complaint.

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33. On August 26, 2019, Defendant Stimpfil unlawfully sexually assaulted Plaintiff by placing his hands on her buttock.

**WHEREFORE**, Plaintiff demands as follows:

1. Judgment against the Defendants;
2. A trial by jury;
3. Compensatory damages;
4. Punitive damages;
5. For her costs herein expended including a reasonable attorney's fee.
6. Injunctive relief.
7. Any such other relief as Plaintiff may appear entitled.

Respectfully,

/s/ Thomas E. Clay  
 THOMAS E. CLAY, P.S.C.  
 CATHERINE J. KAMENISH  
 CLAY DANIEL WINNER, LLC  
 917 Lily Creek Road  
 Louisville, KY 40243  
 (502) 561-2005  
 tclay@telaylaw.com  
 Counsel for Plaintiff

Presiding Judge: HON. MITCH PERRY (630267)

COM: 000005 of 000006

VERIFICATION

I, Nadiya Peake, state that I have read the foregoing Verified Complaint and the statements contained therein are true to the best of my knowledge and belief.

Nadiya Peake  
NADIYA PEAKE

Subscribed and sworn to before me by Nadiya Peake on this 1st day of June, 2020.

My commission expires: July 9, 2022.

Catherine J. Kamenish  
NOTARY PUBLIC,  
KY STATE AT LARGE

Presiding Judge: HON. MITCH PERRY (630267)

COM : 000006 of 000006

**Exhibit 3-E**

Filed

19-CI-003542 06/10/2019

David L. Nicholson, Jefferson Circuit Clerk

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BEYERRUNNERS@HOTMAIL.COM

**NO.**

**JEFFERSON CIRCUIT COURT**

**DIVISION \_\_\_\_\_**

**EMILY NICHOLS**

**PLAINTIFF**

**v.**

**VERIFIED COMPLAINT**  
**(Filed Electronically)**

**LOUISVILLE METRO DEPARTMENT OF CORRECTIONS**  
**Serve: Eric Troutman, Acting Director, or Any Deputy Director**  
**400 South Sixth Street**  
**Louisville, KY 40202**

**LOUISVILLE CORRECTIONS FRATERNAL**  
**ORDER OF POLICE LODGE 77, INC.**  
**Serve: Tracy Dotson, Registered Agent**  
**3556 Taylor Boulevard**  
**Louisville, KY 40215-2643**

**DEFENDANTS**

\*\*\* \*\*

The Plaintiff, Emily Nichols, brings this civil Complaint against the Louisville Metro Department of Corrections and the Louisville Corrections Fraternal Order of Police Lodge 77, Inc. (hereinafter "Defendants") seeking damages for discrimination based on sex and sexual harassment.

1. This action contains claims that arise under the laws of the Commonwealth of Kentucky, including KRS Chapter 344 et seq.
2. The Defendants' wrongful acts set out in the Complaint occurred in Jefferson County, this judicial district.
3. This Court has jurisdiction as Plaintiff affirmatively pleads that she seeks monetary damages aggregating more than the jurisdictional threshold of this Court.
4. The Plaintiff, Emily Nichols, is a female. For all relevant times herein, she worked

Filed

19-CI-003542 06/10/2019

David L. Nicholson, Jefferson Circuit Clerk

Presiding Judge: HON. AUDRA J. ECKERLE (630291)

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as a corrections officer at the Jefferson County Jail located on South 6<sup>th</sup> Street in Louisville, Kentucky.

5. On or about January 27, 2017, Ms. Nichols injured her right hand and wrist while working at the jail.

6. As a result of Ms. Nichols' injury, she requested that she have an accommodation at work while her hand and wrist healed.

7. Repeatedly, Ms. Nichols' request was denied by the jail and she was placed in a non-light duty control room.

8. In early February 2017, Ms. Nichols' then discussed her placement situation with her union, the Fraternal Order of Police. Specifically, her union president, Tracy Dotson.

9. Mr. Dotson, through text messages, told Ms. Nichols that he would help her on the condition that she have sex with him and provide him sexually explicit photographs of herself.

10. Ms. Nichols did not want to have sexual relations with Mr. Dotson and did not want to provide pictures to him.

11. In an effort to appease Mr. Dotson, Ms. Nichols provided him with photographs. Ms. Nichols was subsequently placed in a lighter duty control room.

12. The next time Ms. Nichols saw Mr. Dotson, he said, "I told you I would take care of you."

13. For approximately one month, whenever Ms. Nichols made a request to Mr. Dotson to continue to help her be placed in the lighter duty control room, Mr. Dotson would demand sexual relations and/or more photographs.

Presiding Judge: HON. AUDRA J. ECKERLE (630291)

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14. During this period, Ms. Nichols at one time stopped sending photographs through text messages to Mr. Dotson, and Mr. Dotson said to her, "I am doing too much work for too little in return."

15. During this period, on one occasion Mr. Dotson came to the jail, grabbed and kissed Ms. Nichols against her will and asked her to leave the jail with him.

16. Ms. Nichols refused to leave the jail with him.

17. In March 2017, Ms. Nichols told Mr. Dotson that she would not have sex with him and would stop giving him photographs.

18. In direct response, Mr. Dotson said to Ms. Nichols, "Good luck with your situation."

19. The next time Ms. Nichols worked at the jail, she was placed back in the non-light duty control room.

**COUNT I**

20. The Defendants discriminated against Ms. Nichols by conditioning a term of her job benefits and/or revoking job benefits based on her consent or refusal to submit to sex and/or sex acts.

21. As a direct and proximate result of the Defendants' wrongful actions, Ms. Nichols has suffered mental anguish, embarrassment and humiliation, and lost wages and benefits. Ms. Nichols is entitled to recover for the same from the Defendants.

22. Defendants' discriminatory treatment of Ms. Nichols continues to cause, and will cause her, to suffer mental anguish and substantial damages for pecuniary losses, as well as humiliation and damages to her personal dignity. Ms. Nichols is entitled to recover for the same from the Defendants.

Presiding Judge: HON. AUDRA J. ECKERLE (630291)

COM : 000003 of 000006

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**COUNT II**

23. The Defendants discriminated against Ms. Nichols on the basis of sex.

24. The Defendants subjected Ms. Nichols to unwelcome sexual harassment.

25. The Defendants' unwelcome sexual harassment was so pervasive and/or severe that it created and continues to subject Ms. Nichols to a hostile work environment.

26. As a direct and proximate result of the Defendants' wrongful actions, Ms. Nichols has suffered mental anguish, embarrassment and humiliation, and lost wages and benefits. Ms. Nichols is entitled to recover for the same from the Defendants.

27. Defendants' discriminatory treatment of Ms. Nichols continues to cause, and will cause her, to suffer mental anguish and substantial damages for pecuniary losses, as well as humiliation and damages to her personal dignity. Ms. Nichols is entitled to recover for the same from the Defendants.

**COUNT III**

28. Ms. Nichols brings this Count alleging intentional infliction of emotional distress and to recover from the Defendants for emotional distress, humiliation, and punitive damages.

29. Through the applicable period of time herein, the Defendants engaged in intentional and/or reckless conduct that was greatly offensive to Ms. Nichols as it would be for any reasonable person. The Defendants' conduct was and is so outrageous and intolerable that it offends generally accepted standards of conduct.

30. That the Defendants conspired and/or participated in or engaged in intentional and/or reckless conduct that was greatly offensive to Ms. Nichols as it would be for any reasonable person. Said conduct was and is so outrageous and intolerable that it offends generally accepted

Presiding Judge: HON. AUDRA J. ECKERLE (630291)

COM : 000004 of 000006

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standards of conduct.

31. As a direct and proximate cause of Defendants' intentional and/or reckless conduct, Ms. Nichols has suffered and will continue to suffer great stress, humiliation, personal indignity, possible medical expenses, severe mental and emotional distress, the damages for which exceed the minimal jurisdictional requirements of this Court.

32. Defendants acted with malice, oppression, recklessness, and/or gross negligence, and in flagrant disregard for Ms. Nichols' rights. An award of punitive damages is therefore warranted.

**WHEREFORE**, the Plaintiff, Emily Nichols, respectfully demands judgment against the Defendants on her claim as follows:

1. Actual and compensatory damages in an amount to be presented at trial on each Count, including lost compensation and benefits;
2. Reimbursement for costs and attorney fees expended herein as authorized by KRS Chapter 344 or otherwise applicable statutes;
3. Punitive damages if and where applicable;
5. Trial by jury; and,
6. Any and all further relief to which she may appear entitled.

MORGAN POTTINGER MCGARVEY

By: /s/ Thomas R. Coffey  
Thomas R. Coffey (KBA #91951)  
401 South Fourth Street, Suite 1200  
Louisville, KY 40202  
(502) 589-2780  
*Counsel for Plaintiff*

Presiding Judge: HON. AUDRA J. ECKERLE (630291)

COM : 000005 of 000006



**Exhibit 4**



LOUISVILLE METRO DEPARTMENT OF CORRECTIONS  
MARK BOLTON, DIRECTOR

**Ethics and Conduct**  
**the employee code of responsibility**

\*This document was recommended by Durham; it was not part of original training slides.

## Official Identification

- Employees shall carry their official Departmental Identification on their person at all times
- Employees shall not lend their identification cards, badges, weapons or other official or Departmental items or equipment to any unauthorized person, including other law enforcement personnel
- Employees shall not allow any reproduction of official Department issued identification cards or badges.



9/13/2016

57

# Learning Objectives

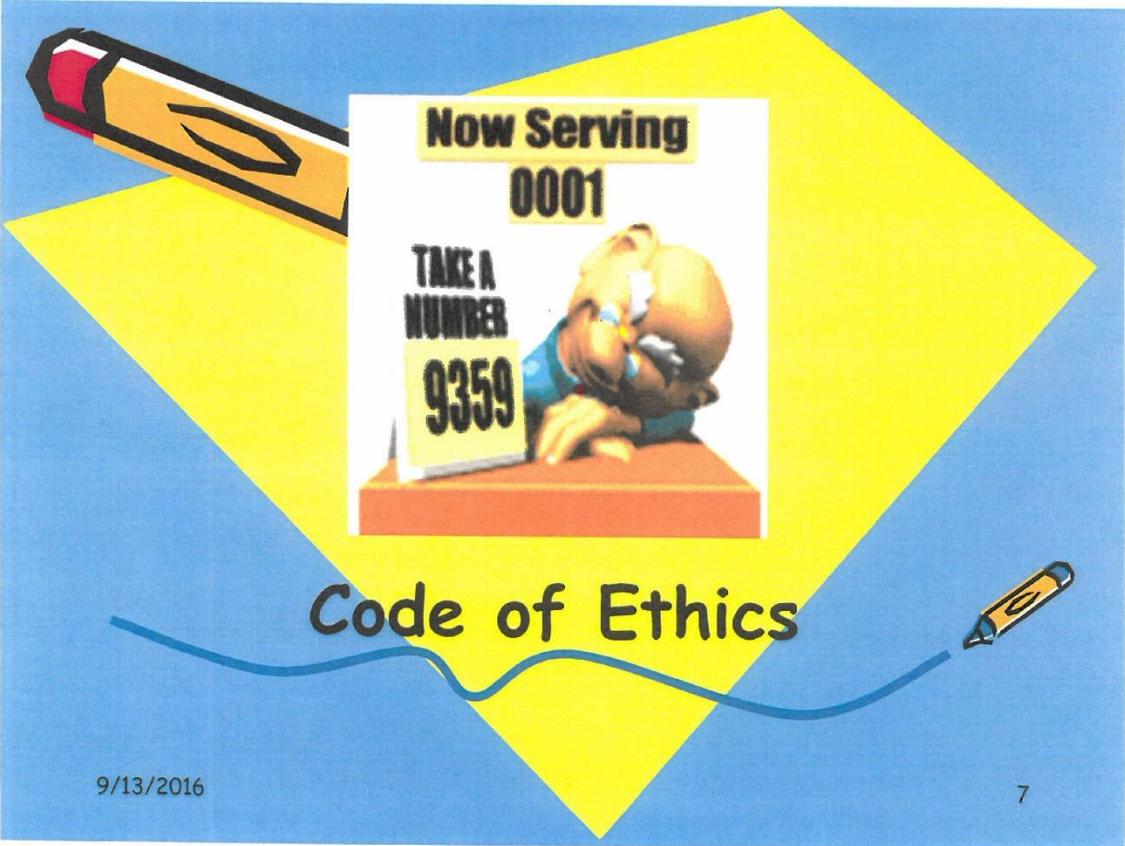
- At the completion of the course the student should know the basic guidelines of being a Corrections Professional
- Describe how to interact with inmates and other staff members in a professional manner.
- Explain what a code of ethics is



9/13/2016

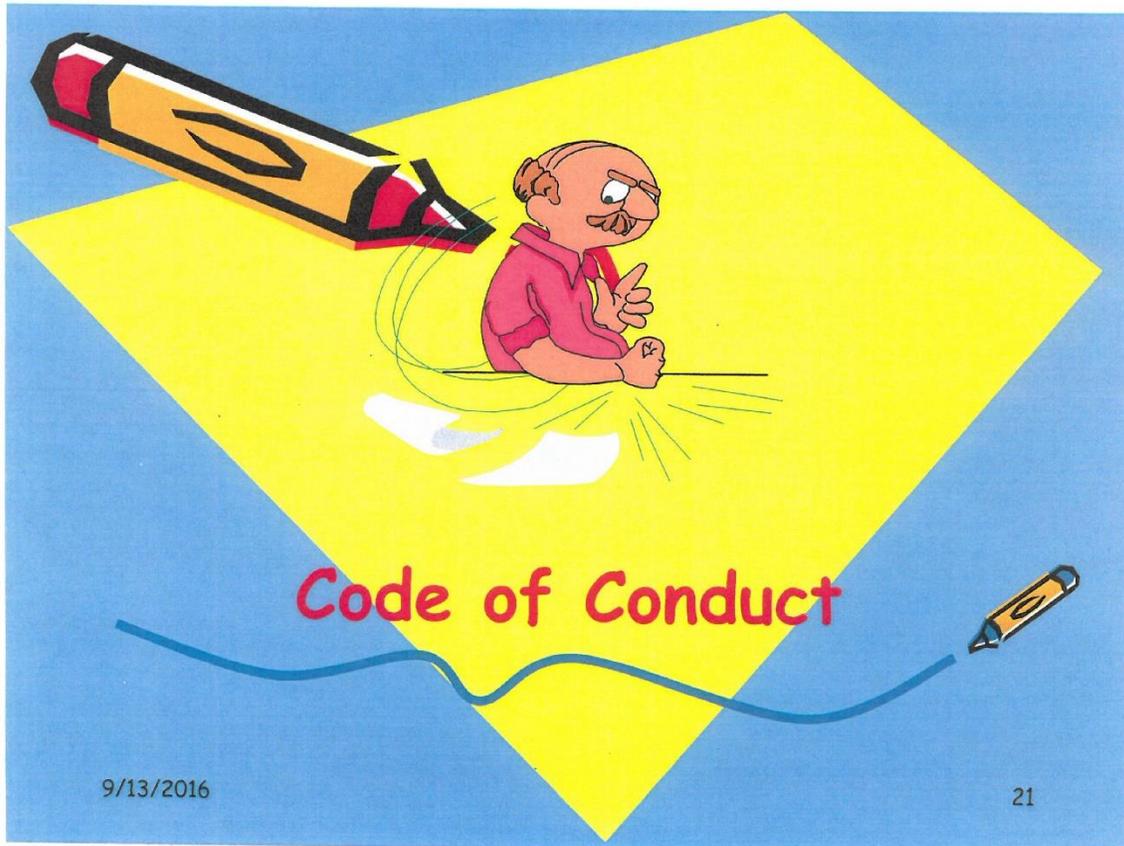
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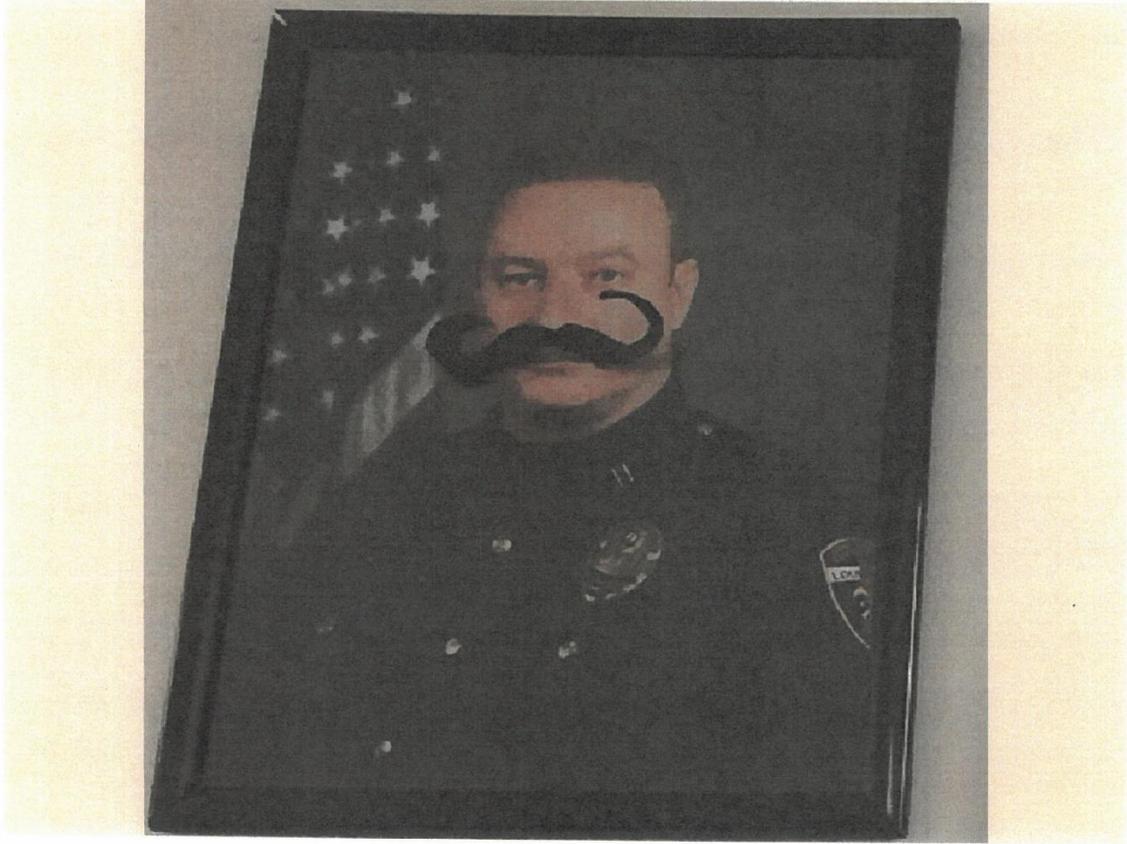




**Louisville Metropolitan  
Department of Corrections**

9/13/2016

1







# Exhibit 5

PRINTED ILLINOIS DEPARTMENT OF CENTRAL MANAGEMENT SERVICES SOC. SEC. NO.  
09/09/03 PERSONNEL/POSITION ACTION FORM

EMPLOYEE INFORMATION												
LAST NAME			FIRST			INIT	SEX	RACE	VRT	EDUC	DATE OF BIRTH	
CLARK			DWAYNE			A	M					
STREET ADDRESS				CITY			COUNTY	STATE	ZIP CODE	NATL ORG		
PAY PLAN	PAY GRADE	PAY STEP	SALARY	PAY RATE	FULL/TIME	FUNDING BRD.COM	PAYROLL DEPT.	CODE APPROP	CORRECTED SOCIAL SECURITY NO.	MANAGING UNIT CODE	WEPF CODE	
5	52	00	9705.00	M	F	00	29	109		EX000		
CONTINUOUS SERVICE DATE		SENIORITY/DATE		CREDITABLE SERVICE DATE		APPT. EXPIRATION DATE		STA-TUS	SUSPENSION/LOA RETURN DATE		APPT. REQ. NO.	HANDI CAP
04-19-01		NO DATE		01-01-03		NO DATE		F	NO DATE			000

POSITION INFORMATION										
POSITION TITLE(NAME)			POSITION NUMBER			EXEMPT CODE	WORK COUNTY	A/E AUTH	AUDIT	POS RES COMP.
SENIOR PUBLIC SERV ADM			40070-29-04-100-00-01			3	099			

TRANSACTION INFORMATION				STATUS		EXEMPT	
TRANSACTION NAME		TRANS CODE	EFFECTIVE DATE	PRIOR-ITY			
1 TERMINATION NON-CERTIFIE		BA125	08-15-03		A-CERTIFIED	0-NOT EXEMPT	
2					B-PROB. 3 MOS	1-PRIVATE SECRETARY	
3					C-PROB. 6 MOS	2-ADMIN. HEAD	
4					D-PROV/SIGRA.	3-POLICY MAKER	
1					F-EXEMPT	4-UNSKILLED	
2					G-TEMPORARY	5-LIC. ATTORNEY	
3					H-EMERGENCY	6-OUT OF STATE	
4					J-TRAINEE	9-PARTIAL EXTENSION	
					K-TRAINEE		
					L-TRAINEE		

**EDUCATION**

1-GRADE SCHOOL  
 2-SOME HIGH SCH.  
 3-H S GRAD/GED  
 4-SOME COLLEGE  
 5-BA/BS  
 6-MA/MS  
 7-PHD/AG  
 8-OTHER DEGREE

REMARKS

"THIS TRANSACTION WAS APPROVED BY THE AGENCY HEAD OR A DULY AUTHORIZED REPRESENTATIVE OF THE AGENCY HEAD AND REQUIRED NO APPROVAL BY THE DEPARTMENT OF CENTRAL MANAGEMENT SERVICES. THIS DOCUMENT IS TO PROVIDE A RECORD OF THE TRANSACTION FOR AGENCY USE AND CMS MICROFILM FILES. DOCUMENTATION IN SUPPORT OF THE TRANSACTION IS ON FILE IN THE OPERATING AGENCY."

## EXHIBIT 6

Narcan Use – April 2022 to January 2023

2022	Narcan Patients	Doses
April	4	9
May	6	9
June	5	13
July	9	18
August	5	10
September	10	23
October	7	17
November	2	5
December	6	13
2023		
January	15	27
<b>Total</b>	<b>69</b>	<b>144</b>

## EXHIBIT 7

### Jail Comparisons

Department	Inmates	Comments
Oldham Co, KY	400	No suicides or overdoses in 20 years
Lexington, KY	1100 - 1400	Only 3 overdoses in 23 years
Washoe Co, NV	1100	No overdoses in 5 years